DEBATES IN CONGRESS.

PART I. OF VOL. XIII.

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REGISTER

OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE SECOND SESSION OF THE TWENTY-FOURTH CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME XIII.

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GALES & SEATON'S

REGISTER OF DEBATES IN CONGRESS.

TWENTY-FOURTH CONGRESS....SECOND SESSION.

FROM DECEMBER 5, 1836, TO MARCH 3, 1837.

DEBATES IN THE SENATE.

LIST OF THE SENATORS.

MAINE—John Ruggles.
NEW HAMPSHIRE—Henry Hubbard, John Page.
MASSACHUSETTS—John Davis, Daniel Webster.
RHODE ISLAND—Nehemiah R. Knight, Asher Robbins.
CONNECTICUT—John M. Niles, Gideon Tomlinson.
VERMONT—Samuel Prentiss, Benjamin Swift.
NEW YORK--Silas Wright, Nathaniel P. Tallmadge.
NEW JERSEY--Samuel L. Southard, Garrett D. Wall.
PENNSYLVANIA—James Buchanan, Samuel McKean.
DELAWARE—Richard H. Bayard.
MARYLAND—Joseph Kent.
VIRGINIA—William C. Rives.
NORTH CAROLINA--Bedford Brown, Robert Strange.
SOUTH CAROLINA--John C. Calhoun, William C. Preston.
GEORGIA—Alfred Cuthbert, John P. King.
KENTUCKY--Henry Clay, John J. Crittenden.
TENNESSEE--Felix Grundy, Hugh L. White.
OHIO--Thomas Ewing, Thomas Morris.
LOUISIANA—Robert C. Nicholas.
INDIANA—William Hendricks, John Tipton.
MISSISSIPPI--John Black, Robert J. Walker.
ILLINOIS--William L. D. Ewing, John M. Robinson.
ALABAMA—William R. King, Gabriel Moore.
MISSOURI--Thomas H. Benton, Lewis F. Linn.

MONDAY, DECEMBER 5, 1836.

The Senate assembled at 12 o'clock, M.

The VICE PRESIDENT took the chair, and the following Senators appeared in their seats, viz:

Mr. RUGGLES, from Maine; Messrs. HUBBARD and PAGE, from New Hampshire; Messrs. PRENTISS and SWIFT, from Vermont; Mr. DAVIS, from Massachusetts; Messrs. KNIGHT and ROBBINS, from Rhode Island; Messrs. NILES and TOMLINSON, from Connecticut; Mr. WRIGHT, from New York; Messrs. SOUTHARD and WALL, from New Jersey; Messrs. BUCHANAN and MCKEAN, from Pennsylvania; Mr. BAYARD, from Delaware; Mr. KENT, from Maryland; Mr. RIVES, from Virginia; Mr. KING, from Georgia; Messrs. EWING and MORRIS, from Ohio; Messrs. CLAY and CRITTENDEN, from Kentucky; Messrs. GRUNDY and WHITE, from Tennessee; Messrs. HENDRICKS and TIPTON, from Indiana; Messrs. ROBINSON and EWING, from Illinois; Messrs. KING and MOORE, from Alabama; Mr. WALKER, from Mississippi; Messrs. BENTON and LINN, from Missouri.

Mr. BENTON presented the credentials of Messrs. FULTON and SEVIER, Senators elect from the new State of Arkansas.

Messrs. FULTON and SEVIER were qualified and took their seats.

The following resolution was offered by Mr. BENTON, and adopted:

Resolved, That the Senate proceed to ascertain the classes in which the Senators of the State of Arkansas shall be inserted, in conformity with the resolution of the 14th of May, 1789, and as the constitution requires.

On motion of Mr. BENTON, it was then

Ordered, That the Secretary put into the ballot box three papers, of equal size, numbered 1, 2, 3. Each of the Senators from the State of Arkansas shall draw out one paper. Number 1, if drawn, shall entitle the member to be placed in the class of Senators whose term of service will expire the 3d day of March, 1837; number 2 in the class whose term will expire the 3d day of March, 1839; and number 3 in the class whose term will expire the 3d day of March, 1841.

It was accordingly so determined, by lot, that Mr. SEVIER's term should expire in 1837, and Mr. FULTON's in 1841.

On motion of Mr. GRUNDY, the Secretary of the Senate was directed to inform the House of Representatives that a quorum of the Senate was present, and ready to proceed to business.

On motion of Mr. GRUNDY, a committee was ordered to be appointed on the part of the Senate, on a joint committee of both Houses, to wait on the President of the United States, and inform him that a quorum of both Houses of Congress are assembled, and ready to receive

from him such communication as he may be pleased to make.

Messrs. GRUNDY and SWIFT were appointed by the Chair members of said committee, on the part of the Senate.

Mr. LINN offered the usual resolution to supply the members of the Senate with newspapers during the session. Adopted.

The CHAIR presented the following letter of resignation from the Secretary of the Senate:

WASHINGTON, DECEMBER 5, 1836.

SIR: I herewith resign the office of Secretary of the Senate of the United States.

Having so long possessed the confidence of the Senate, and enjoyed such continued and friendly intercourse with its members, it is with feelings of deep and painful sensibility I now separate from them; and these feelings are greatly increased, when I reflect on the courtesy and kindness I have received from yourself, as the presiding officer of the Senate, and on the uniform and unbroken confidence and friendship which have for so many years subsisted between us. No length of time or change of circumstances will ever efface from my mind the recollections growing out of these associations; and I shall always rejoice to hear of your prosperity and happiness, and of that of every member of the Senate.

WALTER LOWRIE.

Hon. MARTIN VAN BUREN,
Vice President of the United States
and President of the Senate.

On motion of Mr. BENTON, it was

Ordered, That the Chief Clerk of the Senate perform the duties of Secretary till a Secretary shall be appointed.

Mr. MACHEN accordingly took the usual requisite oath.

The Senate then adjourned till 12 o'clock to-morrow.

TUESDAY, DECEMBER 6.

The annual message from the President of the United States was received, and read by the acting Secretary, and five thousand copies of the message and the accompanying documents were ordered to be printed. (See appendix.)

DEATH OF Mr. GOLDSBOROUGH.

Mr. KENT rose, and addressed the Chair as follows:

Mr. President: Yonder vacant seat, heretofore so ably and so faithfully filled, but too significantly indicates the object of my addressing you at this time.

I rise, sir, for the purpose of announcing to you and to the Senate the melancholy intelligence of the death of my very worthy and excellent colleague, the late ROBERT H. GOLDSBOROUGH. He departed this life during the late recess, after a short illness, in the midst of his usefulness, and at a period when we should have been justifiable in alloting to him many years of vigorous health.

But few individuals have occupied a greater space in public estimation in his native State than Mr. GOLDSBOROUGH. He filled, from an early period of his life, with no inconsiderable degree of reputation, various public stations, and was twice elected to a seat in this body. Possessing the advantages of a liberal education, which had been well improved, with the most polished address, he was ever found a ready and efficient debater, remarkable for his courtesy and politeness. He was truly said to have been "a man of manners and of letters too."

Mr. GOLDSBOROUGH's exertions for the benefit of his fellow men were not confined to public life. He was prominent as an agriculturist, making frequent and judicious experiments, enforcing his views by very able essays, thereby directing the attention of the agriculturists to such objects as were calculated to ameliorate and improve the condition of his exhausted lands. Truly exemplary in all the relations of private life, as a friend, neighbor, and in the domestic circle, he was unrivalled.

To me, personally, his loss is truly afflicting. A severe hoarseness, under which I have labored for some time, obliges me to be thus brief. I beg leave to offer the following resolution:

"*Resolved*, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Honorable ROBERT H. GOLDSBOROUGH, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape round the left arm."

The resolution was unanimously adopted.

On motion of Mr. KENT, the Senate then adjourned.

WEDNESDAY, DECEMBER 7.

Mr. BROWN, Senator from North Carolina, and

Mr. NICHOLAS, Senator from Louisiana, were present to-day in the Senate chamber.

Sundry communications were laid before the Senate, from the heads of Departments, by the Vice President.

MADISON'S WRITINGS.

The following message was received from the President of the United States, by the hands of ANDREW JACKSON, Jr. Esq. his private secretary:

To the Senate and House of Representatives:

I transmit, herewith, copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives, on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published, in a variety of forms, the naked journals of the revolutionary Congress, and of the conventions that formed the constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject-matter of it, and the circumstances under which it was prepared--long withheld from the public as it has been by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow men, until he and all who had been participators with him in the scenes he describes, have passed away—well deserves to become the property of the nation; and cannot fail if published and disseminated at the public charge, to confer the most important of all benefits on the present and every succeeding generation—accurate knowledge of the principles of their Government, and the circumstances under which they were recommended, and embodied in the constitution for adoption.

ANDREW JACKSON.

December 6, 1836.

On motion of Mr. RIVES, the reading of the correspondence was dispensed with, and it was ordered to be printed.

EXPUNGING THE JOURNAL.

Mr. BENTON gave notice that on the first day on which there was a Senate sufficiently full, he should ask leave to introduce a resolution to expunge from the journal certain sentences thereon. He would state, at the same time, that the resolution he should introduce would be in the same words as the one introduced by him at the last session, and it was his wish that the reso-

lution might be disposed of by the Senate, before the other important business of the session commenced.

After transacting some other business the Senate adjourned.

THURSDAY, DECEMBER 8.

STATEMENTS OF COMMERCE AND NAVIGATION.

The following resolution, moved by Mr. BENTON, of Missouri, being under consideration—

"*Resolved*, That the annual statement of the commerce and navigation of the United States be hereafter printed under the direction of the Secretary of the Treasury, and be communicated in a printed form as soon as possible after the commencement of each stated session of Congress."

In supporting the resolution, Mr. B. observed that this document being always a very extensive one, consisting almost entirely of figures, great delay was unavoidably incurred in the printing of it, insomuch that, under the existing practice, it was seldom obtained in time, and the Senate was usually a year in arrear in its reception. To remedy this inconvenience an order had been passed some sessions since requiring its earlier preparation; but this had not answered the end. The measure proposed in the resolution would, he believed, be the only effectual means of putting Congress in possession of this important document as early as was desirable.

Mr. KNIGHT said it was not his design to make an objection to the resolution, but to inquire whether any extra copies are to be printed under it? This document, said he, is an important one, and an extra number of copies are always ordered to be printed by the Senate. It is one of the most profitable to the printer among all the documents printed—containing mostly rule work and figures. If the usual extra copies are printed by order of the Secretary of the Treasury, distributed in the usual manner, and at the same price, I do not know as I have any objection; but the number of copies and the price of printing should be stated in the resolution.

Mr. BENTON called for the reading of the original order under which the document was prepared; but some delay occurring in turning to it, the subject was for the present laid upon the table.

Several bills were introduced on leave and passed to the second reading.

After fixing upon next Monday for the appointment of the standing committees and the election of a Secretary of the Senate, the Senate adjourned over to Monday.

MONDAY, DECEMBER 12.

Mr. BLACK, Senator from Mississippi, Mr. TALLMADGE, Senator from New York, and Mr. WEBSTER, Senator from Massachusetts, appeared to-day, and took their seats.

STATEMENTS OF COMMERCE AND NAVIGATION.

Mr. BENTON called up the resolution he had offered on Thursday last, respecting an alteration in the mode of printing the annual report from the Treasury on commerce and navigation.

Mr. KNIGHT moved to amend the resolution by striking out all after the word "resolved," and inserting—

Resolved by the Senate and House of Representatives, That the annual statement of the commerce and navigation of the United States be hereafter printed under the direction of the Secretary of the Treasury, and communicated as soon as possible after the commencement of each stated session of Congress, and that said statement be printed in the same form and at the same price as the ordinary printing of the two Houses of Congress; that the same number of copies as are usually printed be furnished for the purpose of binding and distribution, and that five thousand additional copies be equally distributed to the members of the Senate and House of Representatives.

Mr. BENTON said that, on looking further into the existing law providing for the printing of this document, he had become convinced that some such modification of the resolution was necessary as had now been proposed. The only objection he had to it related to the five thousand additional copies to be printed for the Senate; he thought this number larger than necessary, and proposed that it be reduced to three thousand.

Mr. KNIGHT assenting, the resolution was so modified accordingly, and in this form it was ordered to be engrossed for a third reading.

SECRETARY OF THE SENATE.

On motion of Mr. KING, and in accordance with the Senate order of Thursday last, the Senate proceeded to ballot for a Secretary of the Senate, in place of WALTER LOWRIE, Esq. resigned.

On the first ballot, Mr. ASBURY DICKINS received 20 votes; Hon. ARNOLD NAUDAIN, late of the Senate, 18; scattering 3; 21 being necessary to a choice.

On the second ballot, Mr. DICKINS received 21; Mr. NAUDAIN 18; Mr. BRYAN 1; 21 being necessary to a choice.

Mr. DICKINS was accordingly declared to be duly elected Secretary of the Senate.

STANDING COMMITTEES.

The Senate proceeded to ballot for the chairmen of their several standing committees.

The several elections resulted as follows:

Mr. BUCHANAN, chairman of the Committee on Foreign Relations, by 21 votes.

Mr. WRIGHT, chairman of the Committee on Finance, by 20 votes.

Mr. KING, of Alabama, chairman of the Committee on Commerce, by 20 votes.

Mr. NILES, chairman of the Committee on Manufactures, by 22 votes.

Mr. PAGE, chairman of the Committee on Agriculture, by 21 votes.

Mr. BENTON, chairman of the Committee on Military Affairs, by 26 votes.

Mr. WALL, chairman of the Committee on the Militia, by 19 votes.

Mr. RIVES, chairman of the Committee on Naval Affairs, by 20 votes.

Mr. WALKER, chairman of the Committee on Public Lands, by 21 votes.

Mr. LINN, chairman of the Committee on Private Land Claims, by 21 votes.

Mr. WHITE, chairman of the Committee on Indian Affairs, by 29 votes.

Mr. HUBBARD, chairman of the Committee of Claims, by 19 votes.

Mr. BROWN, chairman of the Committee on Revolutionary Claims, by 18 votes.

Mr. GRUNDY, chairman of the Committee on the Judiciary, by 21 votes.

Mr. ROBINSON, chairman of the Committee on the Post Office and Post Roads, by 22 votes.

Mr. HENDRICKS, chairman of the Committee on Roads and Canals, by 21 votes.

Mr. TOMLINSON, chairman of the Committtee on Pensions, by 31 votes.

Mr. KENT, chairman of the Committee for the District of Columbia, by 19 votes.

Mr. MORRIS, chairman of the Committee on Engrossed Bills, by 25 votes.

The election of the remaining members of the committees was deferred until to-morrow.

MEMORY OF Mr. KINNARD.

On motion of Mr. TIPTON, of Indiana, it was

Resolved, That, in memory of the late Hon. Mr. KINNARD, a member of the House of Representatives from the State of Indiana, the members of the Senate wear crape on the left arm for the space of thirty days.

And then the Senate adjourned.

TUESDAY, DECEMBER 13.

ASBURY DICKINS, Esq., elected Secretary of the Senate, appeared to-day, was qualified, by taking the prescribed oath, and took his seat.

After transacting the usual morning business,

The Senate proceeded by ballot to choose the remaining members of the respective standing committees, whose chairmen had been appointed yesterday. The result was as follows:

On Foreign Affairs.—Messrs. Buchanan, Tallmadge, King, of Georgia, Clay, Rives.

On Finance.—Messrs. Wright, Webster, Cuthbert, Nicholas, Benton.

On Commerce.—Messrs. King, Davis, Linn, Brown, Ruggles.

On Manufactures.—Messrs. Niles, Morris, Black, Hubbard, Preston.

On Agriculture.—Messrs. Page, Morris, Kent, McKean, Clay.

On Military Affairs.—Messrs. Benton, Preston, Tipton, Wall, Ewing, of Illinois.

On Militia.—Messrs. Wall, Hendricks, Swift, Ewing, of Illinois, Moore.

On Naval Affairs.—Messrs. Rives, Southard, Tallmadge, Cuthbert, Nicholas.

On Public Lands.—Messrs. Walker, Ewing, of Ohio, King, of Alabama, Ruggles, Fulton.

On Private Land Claims.—Messrs. Linn, Porter, Bayard, Preston, Sevier.

On Indian Affairs.—Messrs. White, Swift, Tipton, Linn, Sevier.

Of Claims.—Messrs. Hubbard, Tipton, Prentiss, Crittenden, Ewing, of Illinois.

On Revolutionary Claims.—Messrs. Brown, White, Hubbard, Crittenden, Niles.

On the Judiciary.—Messrs. Grundy, Crittenden, Morris, King, of Georgia, Wall.

Having proceeded thus far, the Senate adjourned.

WEDNESDAY, DECEMBER 14.

Mr. CALHOUN, Senator from South Carolina, appeared to-day in his seat.

On motion of Mr. RIVES, the message of the President on the subject of the proposed publication of Mr. Madison's History of the Convention, was, with the accompanying documents, referred to the Committee on the Library.

When the morning business had been disposed of—

The Senate resumed the balloting for the remaining members of standing committees not yet filled up, and the result was as follows:

Committee on the Post Office and Post Roads.—Messrs. Robinson, (chairman,) Knight, Grundy, Brown, Niles.

Committee on Roads and Canals.—Messrs. Hendricks, (chairman,) McKean, Robinson, Nicholas, Page.

Committee on Pensions.—Messrs. Tomlinson, (chairman,) Prentiss, Hubbard, Morris, Sevier.

Committee on the District of Columbia.—Messrs. Kent, (chairman,) King of Alabama, King, of Georgia, Buchanan, Nicholas.

Committee on Engrossed Bills.—Messrs. Morris, (chairman,) Page, Fulton.

Joint Committee on the Library.—Messrs. Robbins, Preston, Wall.

THE TREASURY CIRCULAR.

The following resolutions, introduced by Mr. EWING, of Ohio, being at their second reading:

"*Resolved by the Senate and House of Representatives, &c.*, That the Treasury order of the eleventh day of July, Anno Domini one thousand eight hundred and thirty-six, designating the funds which should be receivable in payment for public lands, be, and the same is hereby, rescinded.

"*Resolved, also*, That it shall not be lawful for the Secretary of the Treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs, or for the public lands; nor shall he make any discrimination in the funds so receivable, between different individuals, or between the different branches of the public revenue."

The resolutions having been read—

Mr. EWING, of Ohio, spoke as follows:

Mr. President: When I presented these resolutions, a few days since, it was suggested by the Senator from Missouri, over the way, [Mr. BENTON,] that he would oppose them at their second reading, for the purpose of being early heard in support of the order which it is their principal office to rescind. With this I am entirely satisfied. I also wish to be heard on a subject which is of vital interest to the State which I represent, and to the whole West; and I concur with him most heartily in this expedient to avoid delay in bringing before the Senate, and sending abroad to the nation, the opinions of members of this body on this important subject. I, therefore, in accordance with that suggestion, which seemed to meet the sanction of the Senate, will now proceed to give my views upon the order which these resolutions propose to rescind.

This extraordinary paper was issued by the Secretary of the Treasury on the 11th of July last, in the form of a circular to the receivers of public money in the several land offices in the United States, directing them, after the 15th of August then next, to receive in payment for public lands nothing but gold and silver and certificates of deposites, signed by the Treasurer of the United States, with a saving in favor of actual settlers, and bona-fide residents in the State in which the land happened to lie. This saving was for a limited time, and expires, I think, to-morrow. The professed object of this order was to check the speculations in public lands; to check excessive issues of bank paper in the West, and to increase the specie currency of the country; and the necessity of the measure was supported, or pretended to be supported, by the opinions of members of this body and the other branch of Congress. But, before I proceed to examine in detail this paper, its character, and its consequences, I will briefly advert to the state of things out of which it grew.

I am confident, and I believe I can make the thing manifest, that the avowed objects were not the only, nor even the leading objects for which this order was framed; they may have influenced the minds of some who advised it, but those who planned, and those who at last virtually executed it, were governed by other and different motives, which I shall proceed to explain.

It was foreseen, prior to the commencement of the last session of Congress, that there would be a very large surplus of money in the public Treasury beyond the wants of the country for all their reasonable expenditures. It was also well understood that the land bill, or some other measure for the distribution of this fund, would be again presented to Congress; and, if the true

condition of the public Treasury were known and understood, that its distribution, in some form or other, would be demanded by the country. On the other hand, it seems to have been determined by the party, and some of those who act with it thoroughly, that the money should remain where it was, in the deposite banks, so that it could be wielded at pleasure by the Executive. Hence the report of the Secretary of the Treasury made to the two Houses of Congress on the 8th day of December, 1835, (doc. 2, page 2,) makes the aggregate balance in the Treasury, on the 1st day of January, 1836, no more than $19,147,000; but now the controversy is ended, he shows, in his report of the 6th of December, 1836, that the true amount of that balance was $26,749,803, making an error of $7,602,803. There enters into this, and thence arises the egregious error, an estimate of the receipts for the last quarter of the then current year. After three quarters of that quarter had elapsed; after this was in the hands of inferior officers, and, in the ordinary course of business, within the knowledge of his several bureaus at Washington, receipts within that quarter of about seven millions, he estimates the aggregate receipts for the whole quarter at $4,950,000, whereas the true amount, as now reported, was $11,950,000, making a difference in the receipts of that single quarter of seven millions. I think I am very safe in saying that this most extraordinary error never would have occurred in this report if it had been the wish of the Executive to parade before the nation a very prosperous state of the public Treasury, and a large receipt for the year 1835. If nothing had been feared about the land bill or distribution project, the estimate for that quarter would probably have equalled the actual receipts.

The statement of the Secretary, however, showed a surplus; but he proceeds to calculate it away in the year 1836. He conjectures that the receipts of that year will amount to $19,750,000, and of this he allows the public lands to produce $4,000,000. The whole receipt being less, by about $4,000,000, than sufficient to sustain the estimated expenses of the year. But in his report of December 6, 1836, he gives the receipts of the same year at $47,691,898; more, by about $28,000,000, than his estimate; and of this the public lands yield $24,000,000, six times the amount of that estimate.

These facts are striking; and if the errors originate in mere mistake, which I am willing to believe, they indicate a most extraordinary degree of ignorance as to the business of the country, and the direction of its capital, or a mind easily biased and led into error by preconceived opinions.

But Senators, in the course of the debate which afterwards sprung up on the land bill, went much farther than the Secretary of the Treasury. They denied, and most unequivocally, that there was any surplus, or that there would be any: and, when some of us offered an estimate of what would be the receipts into the Treasury in the current year, we were told that it would be very difficult to fasten that estimate upon us at this session of Congress. I, however, for one, determined to relieve gentlemen from all trouble on that score, as far as regarded myself. On the 15th of March, 1836, I submitted my estimate of the revenues and expenditures of the current year, in a speech which I caused to be printed in pamphlet form. In this I estimated the receipts from

customs for the year at - - -	$19,000,000
The public lands at more than - -	20,000,000
And I made the whole amount on hand, and received and receivable, in that year, in round numbers, without deducting expenditures - - - - - -	77,000,000

The customs, it seems, have produced $23,000,000, which is $4,000,000 more than my estimate. The public lands $24,000,000—about the sum which I had supposed. And the footing of the column in the report of the Secretary of the Treasury, which answers to my estimate of $77,000,000, is $74,441,702, being two and a half millions less than I conjectured. More than this deficit, however, is accounted for by the fact that the bank stock which I had supposed would fall in, within the current year, has not yet been sold, or the avails of it received into the Treasury.

When the true state of things became too obvious to be any longer successfully contested; when it became apparent to every one here and to the public that there was a large amount of public money lying in the deposite banks, and likely to remain there for years, an injury to the public, and beneficial to nobody, except bankers and brokers; and when no other means seemed to offer of resisting a distribution of this fund, the country became suddenly threatened with a foreign war—and, at one time, the walls of our Capitol were actually threatened with demolition by the great guns of the French navy—we were in imminent danger of invasion, and appropriations to the amount of more than $80,000,000 were called for by gentlemen who are in favor of economy and reform, to enable the Executive to prepare for defence. But this spectre vanished. Then we were threatened with Indian invasion and Indian massacre on our whole Northwestern frontier. The squabble with a miserable horde of naked savages in the swamps of Florida, which has engaged the attention of this warlike administration for the last year, was magnified into a general and formidable rising of all the tribes east of the Rocky mountains, and military preparations were called for that we might be in armor to do battle with them. At last a report of the Secretary of War, sanctioned by the President, put an end to all this absurdity; the deposite bill passed, after a desperate struggle, and then came this measure—the Treasury order—intended to destroy its effect.

This order grew out of the contest to which I have referred. It was issued not by the advice of Congress or under the sanction of any law. It was delayed until Congress was fairly out of the city, and all possibility of interference by legislation was removed, and then came forth this new and last expedient. It was known that these funds, received for public lands, had become a chief source of revenue, and it may have occurred to some that the passage of a Treasury order of this kind would have a tendency to embarrass the country; and as the bill for the regulation of the deposites had just passed, the public might be brought to believe that all the mischief occasioned by the order was the effect of the distribution bill. It has, indeed, happened, that this scheme has failed; the public understand it rightly, but that was not by any means certain at the time the measure was devised. It was not then foreseen that the people would as generally see through the contrivance as it has since been found that they do.

There may have been various other motives which led to the measure. Many minds were probably to be consulted, for it is not to be presumed that a step like this was taken without consultation, and guided by the will of a single individual alone. That is not the way in which these things are done. No doubt one effect hoped for by some was, that a check would be given to the sales of the public lands. The operation of the order would naturally be, to raise the price of land by raising the price of the currency in which it was to be paid for. But, while this would be the effect on small buyers, those who purchased on a large scale would be enabled to sell at an advance of ten or fifteen per cent. over what would have been given if the United States lands had been open to purchasers in the ordinary way. Those who had borrowed money of the deposite banks and paid

it out for lands, would thus be enabled to make sale to advantage, and by means of such sales make payment to the banks who found it necessary to call in their large loans, in order to meet the provisions of the deposite bill. The order, therefore, was likely to operate to the common benefit of the deposite banks and the great land dealers, while it counteracted the efforts of the obnoxious deposite bill.

There may have been yet another motive actuating some of those who devised this order. There was danger that the deposite banks, when called upon to refund the public treasure, would be unable to do it: indeed, it was said on this floor that the immediate effect of the distribution bill would be to break those banks. Now this Treasury order would operate to collect the specie of the country into the land offices, whence it would immediately go into the deposite banks, and would prove an acceptable aid to them while making the transfers required by law. These seem to me to have been among the real motives which led to the adoption of that order.

But one of the good effects which it was said this order would produce was, that it would prevent overissues of the banks, especially in the West. Such an opinion, however, if sincerely held, must have grown out of a very narrow view of our commerce and currency. There were no overissues, save by the deposite banks only, and with respect to them the order would have no such effect. They had made very great loans to land speculators; but that business was cut off by the distribution bill. That bill straitened those banks, and forced them to draw in their loans: and it was strongly resisted on that very ground; so strongly, indeed, that it was not until within two days before the passage of the bill that the opposition could be brought to believe that they could succeed in passing it. Some of the deposite banks had in their vaults public money to the amount of three times their nominal capital. The regular commerce and business of the country did not employ much beyond that capital; the residue could only be applied to extraordinary purposes. The progress of trade is steady. The commerce of the country advances in a regular manner. It would not absorb this sudden increase of banking resources, but the extra capital found an outlet in loans for the purpose of purchasing public land. Large amounts of specie were borrowed from the deposite banks and paid into the land offices, whence it was soon after returned to the banks, and loaned again for the same purpose. The distribution bill put an end to this: it went at once to cut up this business by the roots. The banks were required to pay back all the money deposited with them over and above three fourths of the amount of their capital actually paid in; of course their loans were at once cut short. The Treasury order, therefore, could not be required to do what was already done by an act of Congress. The patient had already been depleted: no sooner was the regular physician gone, but then in comes the quack doctor, and at once cuts an artery, to make the remedy perfect.

It has been said in the President's message, and in the report of his Secretary, that all the banks of the country were in the habit of making overissues of paper, and that this Treasury order was needed as a check upon such issues. It is a mere assumption; an entire mistake. Where is the evidence to prove it? I speak now, of course, of that part of the Union where I reside, and with which I am best acquainted, and where this order has had its chief effect, and I say that the assertion is wholly unfounded. I know, indeed, that the amount of banking capital has been increased of late years: it may, sometimes, and in some places, have been too extensive, but it never was so there. There never has been in that part of the Union too much banking capital. The banks have increased their issues, but they have not made excessive issues. The course of business with us has changed of late. Four or five years ago we sent our stock alive on foot to market: our flour went to New Orleans—little or none of it went to the North. It then took us from sixty to ninety days to get our returns. But now, since the opening of our canal, we have a Northern as well as a Southern market; and, according to the present course of trade, it takes the merchant from six to ten months to make his returns. He must purchase his produce, let it lie by him till the canals open, then ship to New York, and thus in about ten months realize the proceeds. One thousand dollars turned three times is the same in the business of the country as three thousand turned but once. Of course, as the time is three times longer, we want three times the amount of money to do the same business. This has rightly increased three-fold the amount of bank issues. Besides, banks do not issue their notes upon the specie in their vaults—the notion is utterly fallacious: it is the staple produce of the country which those bank notes purchase; it is the pork and flour of the West, and the cotton and sugar of the South; that is the true capital on which the banks make these issues. The busines of the country could not be transacted if the issues of bank paper were based on the amount of gold and silver alone. Our banks at the West are solely commercial. They make loans for no other purpose than purposes of trade; at least if they know the purpose to which it is to be applied. They do not knowingly loan their money for the purpose of purchasing public land, nor even for the purpose of building or other improvements. A man, to be sure, may obtain a loan, and go and buy land with the money, but that is not the course of our bank business. A merchant buys $100,000 worth of pork or flour on acceptances in New York; he borrows the money to buy it; but it is the produce which is the capital that the bank paper represents; it is that which pays the debt. None of our banks expect that gold and silver are to be demanded for their notes. Drafts are demanded; these drafts meet the bills of exchange; and thus the whole transaction is settled. And who calls this overtrading? It is not overtrading. It is apportioning bank issues to the demands of commerce, and nothing more. This currency answers all the purposes of gold and silver. Gold and silver are useless save so far as they represent exchanges. It was such overtrading, however, which the Treasury order put a stop to. It did stop it most effectually. No bank in the West dare now, or has dared since the emanation of this order, to make any loans or any issues. On the contrary, the banks, as soon as it appeared, all fortified themselves against apprehended danger, and with one accord shut their doors against all loans whatever. Nor dare they open them again until that order shall be taken out of the way, unless, indeed, the course of business should unexpectedly change. Commerce, as we all know, is one of the most ductile things in the world, and it may by circumstances be forced into a new channel; and when it has just scooped out for itself a new course, then, I suppose, some other executive order will be thrown in to check or obstruct the smooth onward flow of the current.

In my speech of the 15th of March last, to which I have adverted, I explained the manner in which the public funds were made to pay for the public lands—performing a circuit from the deposite banks to the speculator; from him to the land office, and from the land office to the deposite banks again—thus operating the exchange of the public lands by millions of acres to large purchasers for mere credit. I was denounced for this at the time; but the President has adopted (an honor which I duly appreciate) the very sentiment, and almost the language which I then used, in his recent message; and he tells us that the Treasury order was intend-

ed to remedy this evil—an evil which Congress had, in fact, remedied effectually before the issuing of that order. It would have been a fortunate thing if the mischief had been discovered sooner by the executive officers, and the abuse corrected before it became a subject of investigation before Congress.

Another object to be effected by this order is the putting down a paper, and putting up a gold and silver currency. This is its purpose, while its effect has been to banish almost entirely gold and silver from among us. No such thing is now to be heard of. You cannot, in the West, unless it be in towns, get a five dollar bill changed into specie in a ride of thirty miles; not that the banks do not pay specie for their notes, but the effect on the community is the same as if they did not. In consequence of this order, all purchasers of land exchange their notes for gold and silver. In the town in which I reside, there is a bank well provided with resources, and within a circuit of thirty or forty miles there are six or seven more equally strong. Before the issuing of this Treasury order, the paper of these banks constituted the currency of that region of country; but, as if touched by the wand of an enchanter, that whole amount of paper has vanished from circulation: not a dollar of it is to be seen. The men who had it carried it to these banks to get gold and silver, and the banks, having reedeemed it, shut it up in their vaults, where it remains to guard their gold. There are still some notes in circulation, but they are notes on remote and inconvenient points—on distant banks in Ohio, on Western Pennsylvania, Western New York, Michigan and Virginia. Our local banks used to receive their bills as cash, and, as the course of business permitted, send them home for exchange; but now they husband their own notes, and pay them out, so that paper of this kind constitutes nearly all our circulation, and they are so mixed in small parcels on each bank that it would cost nearly half their value to send them home and cash them. This is our gold and silver currency. The amount of our produce last year was unusually great, and our supply of pork this year, consequent upon it, is very large. There is now a great demand in the Eastern cities for all we have to dispose of: our merchants are well inclined to purchase, but they cannot do it; they deal more or less in borrowed capital, and our banks dare not lend them. They have tried to get money at the East, but the Eastern banks would not loan, because their paper would immediately return upon them. Some of our adventurous men thought of a third expedient: they would go to an intermediate point in Western New York, where no trade centres, and try to get a loan there, because it would be so long before the money would make its way to the Eastern cities, and from thence return to the bank that loaned it. The plan has been tried, and I am told it has to some extent succeeded. I have myself seen bundles of notes issued in Michigan, and payable somewhere in the State of New York, making their way as welcome strangers among us; and such is the sort of currency with which we are obliged to do business; such has been the effect of tampering with the currency by individuals who know nothing of the matter. Currency is a thing which admirably regulates itself, which our merchants admirably regulate; but the hand of ignorance must not touch it. The interference of such regulators is like the effort of some rude giant to move the wheels of a machine which he does not understand: the only effect is to ruin the engine, or give it a motion directly the contrary of that which was intended.

Another alleged object aimed at by the order is to check speculation. And here we find a saving provision in favor of residents within the State, and of actual settlers. Thus a discrimination is made by the Executive between different classes of American citizens, entitled to equal rights under our constitution and laws. An attempt was made last winter to urge this same measure, or a part of it, upon Congress, but Congress refused its assent, and now it is forced upon the people by executive authority. No doubt it was supposed that the order would be unpopular without this exception, and would have an especially bad effect just before a presidential election. The sale was therefore so limited in point of time, as to continue just beyond the time of election, and then to cease. Can any other reason be assigned for the particular date fixed upon? There is a provision in the constitution directly in the face of this order. Those who drew up the order seemed to have been aware of it, and to have avoided employing the same words as are used in the article of the constitution. But it is not, therefore, any the less in violation of its provisions. The constitution declares that the citizens of each of the United States shall enjoy all the privileges and immunities of the citizens of the several States; even the States themselves cannot discriminate. But this order gives to the citizens of one State a privilege which the citizens of no other State are allowed to enjoy—that of paying for public land in the ordinary currency of the country. With some, this argument will have but little effect, especially as it is directed against an executive act: but it is not, therefore, the less sound. But there is another which will find more favor when that will fail. The measure is unpopular; as far as it has been felt and understood, it is decidedly unpopular. It is universally condemned throughout the West, at least as far as my acquaintance extends. The very discrimination between citizens of different States is unpopular, as it is unconstitutional and unjust. It is easy, by a familiar example, to show the effect of this branch of the order, how it works in practice, and how it will strike the minds of plain common men. Two neighbors, farmers, whose lands are separated by the boundary line between Ohio and Indiana, each have sons for whom they wish to purchase land, and they set out together on a journey into the northwest of Indiana to make their purchases. They buy side by side, and enter the land in the same office; they are both citizens of the United States, and it is the United States that sells the land. Yet one of them, he who lives on the Indiana side, is allowed to pay in the ordinary currency of the country, while the other must pay in gold and silver. Yet their fences join; they can see the smoke of each other's chimneys, and nothing separates them but an imaginary line. Our Western people cannot perceive the justice of this. They do not understand it, and they do not like it; the thing is generally unpopular.

But now, sir, there is an expedient for getting rid of the effect of this order, which ordinary plain people do not think of. It is the easiest thing in the world for gentlemen who understand how to manage it. There never was any thing more happily contrived to enable those who are shrewd and experienced in business, to get a selection of the public lands, and all for paper. Suppose one of these gentlemen wishes to purchase ten thousand acres of land; he provides himself with no cart to lug about gold and silver to make the purchase, indeed, scorns that cumbrous kind of machinery; he takes an easier road. He just goes to three times as many of the neighbors as he wants thousands of acres of land, and he promises to treat them for the mere use of their names. That, you know, costs them nothing, and so A, B, and C, bonafide residents of the State in which the land lies which he wishes to enter, authorize him, under their hand, to enter land in their names. He makes his entry, pays for it in paper, and then gets the whole transferred to himself. This gentleman carried no specie; he did nothing to help the circulation of gold and silver, and yet very snugly gets possession, himself, of all the land he wants. The Treasury order is the very thing for

him, while it keeps down the plain dull man that would otherwise be his competitor. Thus genius is patronized, and a gold currency introduced.

But this is not all. There is yet another way of evading the order; and it is provided for in the order itself. Any man may make a deposite of money in the Treasury of the United States, and a certificate of such deposite is receivable at the land office as so much cash. It is said, indeed, that this is according to a law of Congress. But what is the provision of that law? It is, that no man shall obtain a certificate for land till he pays the price of it into the office of a receiver, or into the Treasury of the United States. My construction of this law is, that the individual must have paid for that particular section of land, and not merely have made a general deposite of money. This, however, has been overlooked, and the ordinary course is to deposite a sum of money in one of the deposite banks; the certificate of which is sent to the Treasury, and then a Treasury certificate is issued for the same amount; and I am told that individuals have shaved honest purchasers on these certificates to the amount of fifteen or twenty per cent. It took them about a month to get this thing well into operation. But within the last two months there has been about $200,000 of this kind of specie capital created for the occasion. This is nothing but a fair sample of the practical effect of all attempts to juggle with the public money. The result always is the injury of ordinary industrious citizens, and the enriching and aggrandizing of those who are already rich, and who are keen-sighted and sagacious.

It has been said, and it is a familiar answer to objections such as I have now urged, that, notwithstanding all these difficulties, the price of produce is high, and that, therefore, what has been done to the currency has been for the benefit of the country. It is true produce is high, and what is the reason? We know in this country, from the papers, the wants of all parts of our extended community, and it has happened partly owing to a failure of crops, and partly from other causes, that grain is so scarce and in very great demand east of the mountains. It is nominally high with us in the West, but not as high as it should be in proportion to other things, because our traders cannot get funds to buy with, and competition in the purchase is put down. As the causes of these high prices are not generally understood, I will briefly sketch an outline of my views on that subject. There is an impression gone abroad that the people of the United States ought, of course, to be exporters of grain. But never was there a more incorrect idea. It is against the ordinances of nature, and the whole course of human things. We never can be exporters of grain unless there be war or famine in Europe. A great part of Europe, the north part of Asia, the north coast of Africa, Egypt, and the islands in the Mediterranean are all grain-growing countries. Grain is their great commodity. England, too, is a rich grain country. All these regions of the earth will supply their own demands for bread, and are destined to do so, while a large part of their clothing will be drawn from our great South.

We have at the North populous cities, extensive manufactories; in addition to which, there is our immense marine, our navy, our merchantmen, our fishing vessels, all to be supplied from our own grain region. Yet we are seldom in the habit of reflecting that it is but a belt of about four or five degrees of latitude which, in this country, produces wheat advantageously. This comparatively small portion of our country is relied on to supply our whole northern continent, the West India islands, and South America, all of which are, in this point of view, entirely dependent upon us. Is it astonishing that the price of wheat should be high? It is no Governmental arrangement. It is not the skill of any administration which has given to our farmers the existing prices. Nor is it owing to any deranged or diseased state of the currency, or of commerce; these prices, in the general, will be maintained; for the price in this country must at last be regulated by the price at which grain can be imported from the Baltic and the Black Sea. And, indeed, we at the West have reason to complain of the prices we get in comparison with those which our staples command in the Eastern cities. I have lately seen it stated that pork is selling at Montreal at $30 per barrel, and at about the same rate in Boston; while in the West we get what is equivalent to about ten or twelve dollars per barrel.

[Mr. KING, of Alabama, here stated that the price was $30 in Mobile.]

The price, I am sure, is decidedly too low with us.

And now, sir, believing as I do that the Treasury order in question has been productive of all the effects I have stated, I hold that it ought to be rescinded, were it as a mere matter of policy. I am pursuaded that its rescision would soon restore the confidence of the people of the West, now so extensively impaired. We ought to prevent the improper discrimination between specie and notes payable in specie. It would enable our banks to make loans to the amount of our produce, and no more. Those institutions with us are skilful and cautious; they make no loans for the purchase of public lands, nor for any object which will prevent its speedy return. In a word, they refuse permanent loans of every kind. Sir, I would prevent the Secretary of the Treasury, or any other Executive officer, from making an unwarrantable discrimination between different classes of the citizens of the United States. There should be no such discrimination. We have no right to set up the public property to sale, and then say to A or B this is the price if your business is so and so, or if your politics are of this complexion; but if not, you must pay a higher price. It is against the letter as well as the spirit of the constitution. I would abolish it. It ought to be abolished. It is peculiarly oppressive on the people of the West.

If there is to be a specie currency, why not try the experiment in our Eastern cities? Surely it would be more convenient there. A man in our Western region, if he selects a tract of land from the public domain, but is obliged to go away to get the money to pay for his purchase, loses his opportunity. His footsteps are tracked by the speculator or his agent, and the land is gone. If he would secure his section, he must carry his specie in his saddle-bags, and take a pistol in his hand to defend himself from robbers. Is it in this way you would compel your citizens to seek out their home upon the public domain? As soon as he finds a spot to suit him, he must carry away the specie to a land office; and whenever a large quantity accumulates there, an ox-cart, with a guard, must be employed to bring it back to the spot whence he got it. This, sir, has been all the specie currency of which we have heard so much. This is the active circulation of the precious metals. This is the way in which the Secretary makes up his statements on that subject. The money is carried one way in saddle-bags, and the other way in a cart. I would put an end to this state of things. I would try the hard money experiment, if it must be tried, on the seaboard, where it is easier to try it. As long as your land is offered at sale, it is lawful for all your citizens to buy it. You have no right to disfranchise any of them, under the plea of compelling them to get up a specie circulation.

It is said by the Secretary that he does not possess the same power over the deposite banks since the distributing act which he did before. He succeeded, he tells us, in keeping down the rate of the exchanges until the passage of that law. Now, sir, there is one species of control, which, if the Secretary do not possess, Congress does, and ought to exercise it. It is said that there are

several of the deposite banks who have millions of the public treasure in their vaults, and who use it, by their officers or agents, in shaving upon notes or exchanges. They take advantage of the difficulty of the times, and virtually act as brokers, thus keeping up the pressure and embarrassing the public, while they make enormous profits out of the public money. I would institute an inquiry into this matter, and if banks are guilty of practices of this kind, I would at least leave them to do it with their own money, and not with the money of the people of the United States.

Mr. BENTON observed that he should want to make some exposition of facts, which he thought would go far to invalidate the statements made respecting the previous effects of this Treasury order, and to demonstrate clearly what had been its practical and beneficial results. For this purpose he should want a little more time, in order to get the returns, and such other documentary evidence as it would be necessary for him to refer to. He should show then to the Senate, far more satisfactorily by facts, than the gentleman from Ohio had been able to do by argument, why the banks had been prevented from extending the usual accommodations to the public. While on his feet, he would say that he entirely concurred with the Senator from Ohio in his construction of the law as respected payments into the public Treasury, for the purchase of lands. It had been his opinion for sixteen or seventeen years past, that the law ought to be so construed, though it had remained but as a dead letter on the statute book. He remembered that some years ago a register of a land office in Missouri, construing the act as he and the Senator from Ohio did, refused to receive from a purchaser a Treasury certificate of deposite, and he (Mr. B.) was applied to by the individual to get the money returned to him.

He had, however, heard it said since his arrival here, (though he did not get his information from any officer of the Government,) that as soon as the attention of the Secretary was turned to the law, he had given it the same construction that had been given to it by himself and the Senator from Ohio.

While up, he would remark, that as to this large amount of surplus on hand to distribute, which showed that there was so great a mistake on the part of those who said that there would be none, (though they said so with the necessary qualifications, that the appropriations should be made in time to be used,) yet when they came to look at the President's message, they found that of this large surplus, fifteen or sixteen millions of it was appropriated money, which could not be used, because the year was half gone before the appropriations were made. This (said Mr. B.) we represented so often last session on this floor, that if walls had tongues, as they are said to have ears, they would again and again reverberate the warning. But (said Mr. B.) the committees were so organized, being controlled by gentlemen who were in favor of distribution, and consequently anxious for surpluses, that the necessary appropriations were "staved off," for the purpose of making them.

In this way they might have surpluses in abundance at every session, and the whole revenue might, by keeping off the appropriations till too late to be used, be converted into surplus. It was almost incredible (Mr. B. said) to see the manner in which business was procrastinated at the last session. These few leaves, said Mr. B., (turning over a few pages of the acts,) contain every private act passed by Congress at the last session. They were Mr. Whittlesey's acts—acts sent up by the industry of one single man in the other House. Here, said Mr. B., (turning again to the volume,) are the remainder of the acts; and when you come to look at them, you will find that the appropriation bills were "staved off" until the last moment. He repeated, that if the appropriations had been made in time to be used, which would have been done had it not been for the extraordinary organization of the committees of that body, by which they were controlled by those gentlemen in favor of surpluses, the case would have been far different from what it was. There would not have been so much surplus to talk of, and there would have been no occasion for this new application of the term to an unexpended balance. It was a new idea to prevent the appropriations from being passed; and, instead of letting the money remain for two years before it could be called a surplus, as under the usage of the former law, to immediately seize upon it for distribution.

We have often (said Mr. B.) had fifteen or sixteen millions of surplus in the Bank of the United States, and not one word was said about it; and if the appropriations of the last session had been made in time to be used, (and there were many, too, that had been given up by their supporters,) there would be no more surplus in the Treasury now than had frequently been in the Bank of the United States, without causing excitement or alarm.

Mr. B. only rose to say that he concurred with the Senator from Ohio in his construction of the law as to Treasury certificates of deposite, and to state what he had heard, that the officers of the Government had given it the same construction. What he had further to say was, that some disposition of this resolution of the Senator from Ohio should be made, which would permit the ordinary business of the Senate to go on without interruption, and not to have the important bills attending the commencement of the session blocked out by a protracted debate. He wished that the resolution might be laid on the table for the present, to give him time to refer to the documents necessary to be used in reply to the Senator, and that the ordinary business of the Senate might go on.

Mr. WEBSTER expressed his assent to a postponement of the discussion, but hoped it would not extend beyond the residue of the week. He knew of no subject more important, or in which the public mind seemed at this moment to take a deeper interest. The condition of the country in reference to the currency was admitted on all hands to be greatly deranged. A state of things, indeed, existed which was anomalous and unprecedented; for while the price of all sorts of commodities was unusually high, there existed at the same moment a scarcity of money. Such a state of the pecuniary interests of the country called for investigation, and demanded the prompt attention of Congress. He concluded by expressing a hope that Monday might be fixed upon for the further consideration of the resolution.

Mr. EWING had no objections to such an arrangement, though he was opposed to any unnecessary delay. He said a few words in reply to some of the remarks which had fallen from Mr. GRUNDY, disclaiming all agency in retarding the appropriations for the purpose of creating a surplus, &c. but reserved himself for the fuller discussion of the subject.

The resolution was then postponed to and made the order of the day for Monday.

STATEMENTS OF COMMERCE AND NAVIGATION.

The joint resolution introduced some days ago by Mr. BENTON, providing for the earlier preparation of the annual report on commerce and navigation was read a third time, and passed.

When the Senate adjourned.

THURSDAY, DECEMBER 15.

Mr. RIVES presented the credentials of RICHARD E. PARKER, Senator elect from Virginia; and

Mr. BROWN the credentials of ROBERT STRANGE, Senator elect from North Carolina.

Messrs. STRANGE and PARKER appeared, were qualified and took their seats.

DUTY ON COAL.

Mr. WEBSTER presented two petitions; one from John Haskell, and a great number of other persons; and the other from N. D. Snelling and others, of Boston, praying for a reduction of the duty on coal.

Mr. W. said these petitions were very numerously and respectably signed, and he hoped the subject would attract the serious attention of Congress. The duty on coal, like that on salt, wheat, and wool, though not a duty on manufactured articles, was yet either originally laid, or is now continued, for purposes of protection. Indeed, coal was one of the articles first brought forward, after the establishment of this Government, as requiring and deserving protection. As these petitions, therefore, might be thought to affect a part of the general system of protection, he thought it proper to refer them to the Committee on Manufactures. Coal was a necessary of life; it was now very high, the price being nearly twice as great now, he believed, as when the duty was laid. He was of opinion that, unless this duty on coal was to be considered as a part of the general system of protection, it ought to be reduced, or perhaps repealed altogether. He hoped the committee would examine the subject and bring it to the consideration of the Senate at an early day. At the present price of fuel in the larger cities, a reduction in the price of coal is most desirable, if there exist against it no insurmountable objection.

The memorials were referred, as moved by Mr. WEBSTER, to the Committee on Manufactures.

BURNING OF THE POST OFFICE.

Mr. ROBINSON presented the following resolution, and moved its immediate consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the cause of the destruction by fire of the building in which were kept the General Post Office, the city post office, and the patent office.

Mr. CLAY suggested whether it would not be expedient to invest the committee with power to send for persons and papers, so far as there might be any papers remaining.

Mr. ROBINSON said the idea of the committee was that the proposed committee of inquiry should proceed in the duty assigned them till they should find it necessary to send for persons and papers, when they could readily ask and obtain the requisite power.

The resolution was unanimously adopted.

On motion of Mr. WRIGHT, so much of the President's annual message as relates to finances was referred to the Committee on Finance.

After disposing of various petitions, resolutions, and bills,

On motion of Mr. GRUNDY, the Senate proceeded to the consideration of executive business; and, when the doors were opened,

Adjourned till Monday.

MONDAY, DECEMBER 19.

The CHAIR presented the credentials of Mr. BUCHANAN, elected a Senator by the Legislature of Pennsylvania, for six years from the 4th of March next.

After the reception and disposal of various petitions,

Mr. CALHOUN gave notice that he would, to-morrow, ask leave to introduce a bill to continue the operations of the deposite act of the last session, so as to operate on the excess of revenue that may be received this year.

While up, Mr. C. said he would put a question to the chairman of the Committee on Finance, [Mr. WRIGHT.] He wished to be informed by that gentleman whether his motion of Thursday to refer so much of the President's message as relates to finance to the Finance Committee, included that part of the message which relates to the reduction of the revenue to the wants of the Government?

Mr. WRIGHT replied that he was unable to answer the question precisely. In making his motion, he had intended to refer all parts of the message relating to finance to the Committee on Finance. He had had no consultation with his colleagues as to how far they considered that portion of the message referred to by the gentleman from South Carolina, as coming under their consideration. Whether or not they considered it as more properly belonging to the Committee on Manufactures than to the Committee on Finance, he knew not.

Mr. CALHOUN said that he would then move, in order to remove all doubts on the question, that that portion of the message to which he had alluded, be referred to the Committee on Finance. He made the motion, because of its probably having a stronger bearing on the action of this body, and on political events hereafter, than any other question which might be brought before the Senate.

Mr. CLAY'S LAND BILL.

Mr. CLAY, in pursuance of the notice which he had given, rose to ask leave to introduce the land bill. He felt it due to the occasion to make some explanations.

The operation of the bill which had heretofore several times passed the Senate, and once the House, commenced on the last of December, 1822, and was to continue five years. It provided for a distribution of the nett proceeds of the public lands during that period, upon well-known principles. But the deposite act of the last session had disposed of so large a part of the divisible fund under the land bill, that he did not think it right, in the present state of the Treasury, to give the bill—which he was about to apply for leave to introduce—that retrospective character. He had accordingly, in the draught which he was going to submit, made the last day of the present month its commencement, and the last day of the year 1841 its termination. If it should pass, therefore, in this shape, the period of its duration will be the same as that prescribed in the former bills. The Senate will readily comprehend the motive for fixing the end of the year 1841, as it is at that time that the biennial reductions of ten per cent. upon the existing duties cease, according to the act of the 2d March, 1833, commonly called the compromise act, and a reduction of one half of the excess beyond twenty per cent. of any duty then remaining is to take effect. By that time, a fair experiment of the land bill will have been made, and Congress can then determine whether the proceeds of the national domain shall continue to be equitably divided, or shall be applied to the current expenses of the Government.

The bill in his hand assigns to the new State of Arkansas her just proportion of the fund, and grants to her 500,000 acres of land as proposed to other States. A similar assignment and grant are not made to Michigan, because her admission into the Union is not yet complete. But when that event occurs, provision is made by which that State will receive its fair dividend.

He had restored, in this draught, the provision contained in the original plan for the distribution of the public lands, which he had presented to the Senate, by which the States, in the application of the fund, are restricted to the great objects of education, internal im-

provement, and colonization. Such a restriction would, he believed, relieve the Legislatures of the several States from embarrassing controversies about the disposition of the fund, and would secure the application of what was common in its origin, to common benefits in its ultimate destination. But it was scarcely necessary for him to say that this provision, as well as the fate of the whole bill, depended upon the superior wisdom of the Senate and of the House.

In all respects, other than those now particularly mentioned, the bill is exactly as it passed this body at the last session.

The bill was read a first time, and passed to a second reading.

PATENT OFFICE.

MR. RUGGLES submitted the following resolution, which was considered and agreed to:

Resolved, That a committee of five be appointed to examine and report the extent of the loss sustained by the burning of the Patent Office, and to consider whether any and what measures ought to be adopted to repair the loss, and to establish such evidences of property in patented inventions, as the destruction of the records and drawings may have rendered necessary for its security; and to report by bill or otherwise.

On motion of Mr. BENTON, the committee was appointed by the Chair, and consists of the following gentlemen: Messrs. RUGGLES, PRENTISS, STRANGE, PAKER, and BAYARD.

The remaining portions of the President's annual message were appropriately referred to the variouis standing committees.

Several bills were introduced and appropriately referred, as also a number of resolutions submitted for consideration.

TREASURY CIRCULAR.

The Senate proceeded to the further consideration of the joint resolutions, introduced by Mr. EWING, of Ohio, in the following words, being at their second reading, as follows:

"*Resolved by the Senate and House of Representatives, &c.* That the Treasury order of the 11th day of July, anno Domini one thousand eight hundred and thirty-six, designating the funds which should be receivable in payment for public lands, be, and the same is hereby, rescinded.

"*Resolved, also*, That it shall not be lawful for the Secretary of the Treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs, or for the public lands; nor shall he make any discrimination in the funds so receivable, between different individuals, or between the different branches of the public revenue."

Mr. BENTON said it was unusual to oppose joint resolutions at their second reading, but he had given notice of his intention to oppose this resolution, not for the purpose of attempting to arrest its course, but to excite attention and discussion, and to lay the foundation for a motion which he intended to make, namely, to send the subject to a committee, and to make it the duty of that committee to inquire into the operation and effects of the Treasury order proposed to be rescinded and into the conduct of the banks which affected to be crippled by it. This motion, and the scope and details of the inquiry, will be brought forward in due time.

The resolution consists of two clauses, the first clear, the second ambiguous. The recision of the Treasury order, excluding paper from the land offices, was the object of the first clause; but the second was without specification, and making no allusion to the constitutional currency, and imposing no obligation on the Secretary of the Treasury to use or employ it, it seemed to him that the whole revenues of the Government might be made receivable in paper money. Funds is the word used in the resolution, a word which had no place in our constitution, nor in our legislation, previous to the imposition of the paper system upon us, and which had no definite or legal meaning. It is a paper system phrase, and, in the jargon of that system, is understood to comprehend all sorts of paper credits and securities, and all sorts of currencies, which can be made available in the payment of debts, or in the support of credit. It is a wretched phrase to come into legislation, and ought to be substituted by something of clear and precise import. Gold and silver is the language of our constitution, and to supersede them by the word "funds," is to banish them from our financial system, and to open the Treasury to the inundation of paper money.

In the observations which he should make upon these resolutions, Mr. B. said he should not confine himself merely to the remarks of the Senator from Ohio, [Mr. EWING,] but looking further back and all around, and having due regard to what had preceded this motion, and which was indissolubly connected with it, he should treat the whole subject as it appeared before him, and as it had been exhibited to the public. He had especially in his eye a certain speech, delivered in Kentucky in September last, and a certain letter written in Philadelphia, in November last. Passages from each of these would be referred to at proper places; and paying due attention to these givings out, and to all the signs which had been visible for some months past in the political zodiac, he could see distinctly that two great objects were proposed to be accomplished by the instrumentality of this joint resolution: first, the condemnation of President Jackson for a violation of the laws and constitution, and the destruction of the prosperity of the country; and, secondly, the overthrow of the federal constitutional currency, and the imposition of the paper money system of the States upon the Government and people of the Union.

In the first of these objects the present movement is twin brother to the famous resolution of 1833, but without its boldness; for that resolution declared its object upon its face, while this one eschews specification, and insidiously seeks a judgment of condemnation by inference and argument. In the second of these objects every body will recognise the great design of the second branch of the same famous resolution of 1833, which, in the restoration of the deposites to the Bank of the United States, clearly went to the establishment of the paper system, and its supremacy over the Federal Government. The present movement, therefore, is a second edition of the old one, but a lame and impotent affair compared to that. Then, we had a magnificent panic; now, nothing but a miserable starveling! For though the letter of the President of the Bank of the United States announced, early in November, that the meeting of Congress was the time for the new distress to become intense, yet we are two weeks deep in the session, and no distress memorial, no distress deputation, no distress committees, to this hour! Nothing, in fact, in that line, but the distress speech of the gentleman from Ohio, [Mr. EWING;] so that the new panic of 1836 has all the signs of being a lean and slender affair—a mere church-mouse concern—a sort of dwarfish, impish imitation of the gigantic spectre which stalked through the land in 1833.

That every thing might appear in its proper order, and every actor in this drama have his proper place, Mr. B. would now introduce passages from the speech and letter to which he had referred, reserving other passages for introduction in other stages of the proceedings. And first, from the speech:

"Mr. Clay proceeded to speak of the constant tampering with the currency, which marked the conduct of

this administration. One rash, lawless, and crude experiment succeeds another. He considered the late Treasury order, by which all payments for public lands were to be made in specie, with one exception, for a short duration, a most ill advised, illegal, and pernicious measure. In principle it was wrong; in practice it will favor the very speculation which it professes to endeavor to suppress. The officer who issued it, as if conscious of its obnoxious character, shelters himself behind the name of the President.

"But the President and Secretary had no right to promulgate any such order. The law admits of no such discrimination. If the resolution of the 30th of April, 1816, continued in operation, (and the administration on the occasion of the removal of the deposites, and on the present occasion, relies upon it as in full force,) it gave the Secretary no such discretion as he has exercised. That resolution required and directed the Secretary of the Treasury to adopt such measures as he might deem necessary, 'to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand, in said legal currency of the United States.' This resolution was restrictive and prohibitory upon the Secretary only as to the notes of banks not redeemable in specie on demand. As to all such notes, he was forbidden to receive them from and after the 20th of February, 1817. As to the notes of banks which were payable and paid on demand in specie, the resolution was not merely permissive, it was compulsory and mandatory. He was bound, and is yet bound, to receive them, until Congress interfere."

From the letter of Mr. Biddle to Mr. J. Q. Adams, Mr. B. read as follows:

"PHILADELPHIA, *November* 11, 1836.

"MY DEAR SIR: I proceed to the second subject of our conversation—the present state of the currency—which I shall treat dispassionately, as an abstract question of mere finance.

"Our pecuniary condition seems to be a strange anomaly. When Congress adjourned, it left the country with abundant crops, and high prices for them—with every branch of industry flourishing, and with more specie than we ever possessed before—with all the elements of universal prosperity. Not one of these has undergone the slightest change; yet, after a few months, Congress will reassemble, and find the whole country suffering intense pecuniary distress. The occasion of this, and the remedy for it, may well occupy our thoughts.

"In my judgment, the main cause of it is the mismanagement of the revenue—mismanagement in two respects: the mode of executing the distribution law, and the order requiring specie for the public lands.

"Such a measure was of itself sufficient to disorganize the currency. But it was accompanied by another, which armed it with a tenfold power of mischief. This was the Treasury order prohibiting the receipt at the land offices of any thing but specie; an act which seems to me a most wanton abuse of power, if not a flagrant usurpation.

"The whole pecuniary system of this country, that to which, next to its freedom, it owes its prosperity, is the system of credit. Our ancestors came here with no money; but with far better things—with courage and industry; and the want of capital was supplied by their mutual confidence. This is the basis of our whole commercial and internal industry. The Government received its duties on credit, and sold its lands on credit. When the sales of land on credit became inconvenient, from the complication of accounts, the lands were sold for what is termed cash. But this was only another form of credit; for the banks, by lending to those who purchased lands, took the place of the Government as creditors, and the Government received their notes as equivalent to specie, because always convertible into specie. This was the usage; this may be regarded as the law of the country. By the resolution of Congress, passed on the 30th of April, 1816, it was declared that 'no duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States.'

"This resolution presents various alternatives—the legal currency or Treasury notes, or notes of the Bank of the United States, or notes of specie-paying banks. A citizen had a right to choose any one of these modes of payment. He had as much right to pay for land with the note of a specie-paying bank, as to pay it for duties at the custom-house. If this be denied, certainly any one of them might be accepted by the Treasury; but to proscribe all but one—to refuse every thing but the most difficult thing—to do this without notice of the approaching change in the fundamental system of our dealings—is an act of gratuitous oppression.

"If he prohibits the receipt of any thing but specie, to correct land speculations, he may make the same prohibition as to the duties on hardware, or broadcloth, or wines, whenever his paternal wisdom shall see us buying too many shovels, or too many coats, or too much champagne; and thus bring the entire industry of the country under his control.

"It remains to speak of the remedy of these evils. They follow obviously the causes of them. The causes are the injudicious transfers of the public moneys, and the Treasury order about specie.

"The first measure of relief, therefore, should be the instant repeal of the Treasury order requiring specie for lands; the second, the adoption of a proper system to execute the distribution law.

"These measures would restore confidence in twenty-four hours, and repose in at least as many days. If the Treasury will not adopt them voluntarily, Congress should immediately command it."

From these documents, said Mr. B., and from the speech of the gentleman from Ohio, [Mr. EWING,] the charges which are made against President Jackson, and on which this resolution is supported, and for which the recision of the Treasury order is demanded, are, first, a violation of the laws; secondly, a violation of the constitution; thirdly, a destruction of the prosperity of the country. Mr. B. would join issue upon each of these charges, and take each by itself, and all in their turn; and first of the illegality. This charge was bottomed upon the alleged contravention of the joint resolution of April, 1816, for the better collection of the public revenue, and although partly set out both in the Kentucky speech, and in the Philadelphia letter, he preferred to read it entire, as the first part, though merely directory, yet was directory in the essential particular of showing who was to be the active agent in carrying the resolution into effect.

The joint resolution of 1816.

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States or

Treasury notes, or notes of the Bank of the United States as by law provided and declared, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States."

This is the law, continued Mr. B., and nothing can be plainer than the right of selection which it gives to the Secretary of the Treasury. Four different *media* are mentioned in which the revenue may be collected, and the Secretary is made the actor, the agent, and the power, by which the collection is to be effected. He is to do it in one, or in another. He may choose several, or all, or two, or one. All are in the disjunctive. No two are joined together, but all are disjoined, and presented to him individually and separately. It is clearly the right of the Secretary to order the collections to be made in either of the four *media* mentioned. That the resolution is not mandatory in favor of any one of the four, is obvious from the manner in which the notes of the Bank of the United States are mentioned. They were to be received as then provided for by law; for the bank charter had then just passed; and the 14th section had provided for the reception of the notes of this institution until Congress, by law, should direct otherwise. The right of the institution to deliver its notes in payment of the revenue, was anterior to this resolution, and always held under that 14th section, never under this joint resolution; and when that section was repealed at the last session of this Congress, that right was admitted to be gone, and has never been claimed since.

The words of the law are clear; the practice under it has been uniform and uninterrupted from the date of its passage to the present day. For twenty years, and under three Presidents, all the Secretaries of the Treasury have acted alike. Each has made selections, permitting the notes of some specie-paying banks to be received, and forbidding others. Mr. Crawford did it in numerous instances; and fierce and universal as were the attacks upon that eminent patriot, during the presidential canvass of 1824, no human being ever thought of charging him with illegality in this respect. Mr. Rush twice made similar selections, during the administration of Mr. Adams, and no one, either in the same cabinet with him, or out of the cabinet against him, ever complained of it. For twenty years the practice has been uniform; and every citizen of the West knows that that practice was the general, though not universal, exclusion of the Western specie-paying bank paper from the Western land offices. This every man in the West knows, and knows that that general exclusion continued down to the day that the Bank of the United States ceased to be the depository of the public moneys. It was that event which opened the door to the receivability of State bank paper, which has since been enjoyed.

Mr. B. then approached an argument which he deemed authoritive in this case; it was the 24th article of the rules and regulations of the Bank of the United States for the government of their branches. It was made since the passage of the joint resolution of 1816, and related to the collection of the revenue of the United States. It made short work with the notes of the specie-paying banks of the States, excluding the notes of the whole of them from all branches of the revenue, except of such banks as might be situated in the same place where the branch bank was situated. The notes of these branches alone were to be received in payment; if the Secretary of the Treasury required others to be received, they would not be taken in payment, but merely noted as a special deposite at the instance of the Government. This is the article:

"Article 24. The offices of discount and deposite shall receive in payment of the revenue of the United States the notes of such State banks as redeemed their engagements with specie, and provided they are the notes of banks located in the city or place where the office receiving them is established. And also the notes of such other banks, as a special deposite on behalf of the Government, as the Secretary of the Treasury may require."

Here (said Mr. B.) is selection—a selection by which a few State banks, in no event exceeding those in twenty-five places, for there were never more than twenty-five branches, would have their notes received, while the mass of the State banks, amounting to many hundreds, were entirely cut off. The legality of this selection and exclusion has never been questioned; yet there are persons who deny to President Jackson the right of making the same selection; and who must stand before the public as denying to the President of the United States the power over the execution of the laws which they concede to the President of the Bank of the United States.

Mr. B. said that it might well be supposed that he had now sufficiently repelled this charge of illegality. He certainly deemed the charge sufficiently answered; but he had other arguments yet to use—arguments belonging to that authoritative class to which he had alluded, and from which the gentlemen making the charge cannot be allowed to appeal. It would be recollected, he said, that, about a dozen years ago, a committee of the House of Representatives had been raised to investigate certain charges against the then Secretary of the Treasury, that hunted-down and persecuted citizen, William H. Crawford. These charges happened to involve the point now in discussion, not as a charge, but incidentally and historically; and among the members of that committee there happened to be a gentleman who was the author of the joint resolution of 1816, who is now a member of this body, [Mr. WEBSTER,] and who has signified an intention to speak in this debate. That committee made a report, purporting to be the unanimous opinion of the body; and from that report an extract will now be read:

"At the time of the adoption of this resolution, (joint, of 1816,) debts accruing to the United States, whether on account of the sales of public lands, or at the custom-house, or from any other source of revenue, were in fact received in some parts of the country, but evidently in disregard of the law, in the notes of the State banks which did not redeem their paper by cash payments. By this resolution it was obviously made the duty of the Secretary of the Treasury to correct that departure from law as soon as practicable; and it was, as is equally obvious, imperative on the Department, after the 20th of February, 1817, to allow nothing to be received in payment of debts due to the United States, but the legal money of the United States, Treasury notes, notes of the Bank of the United States, or those of State banks, the notes of which were payable and paid on demand in specie. The Bank of the United States was incorporated in April, 1816, &c. In the early part of the year 1817, it is represented by the Secretary, and appears to be true, that an arrangement was made with the Bank of the United States, by which the public funds were to be deposited in the branches of that institution in all places where such branches existed; and where there were no such branches, that bank was to designate certain State banks for which it would be responsible, and in which such public moneys would be deposited; and notes of all banks which the Bank of the

United States would receive in deposite as cash, and none other, were to be received on sales of public lands. It is further represented that, in the execution of this engagement, difficulties and controversies arose between the United States Bank and the State banks thus employed in receiving the deposites of the public moneys; and ere long the Bank of the United States signified to the Department of the Treasury that it could not continue such arrangement; and that thenceforward it could receive nothing in deposite, as cash, but the legal currency of the country, or its own notes. The agreement with the Bank of the United States terminated, for these reasons, on the 30th June, 1818. About this period, also, the Bank of the United States issued orders prohibiting its Western branches from issuing any of their own notes for circulation, even in exchange for, or on deposite of, specie." * * * "That institution (the Bank of the United States) is indeed bound to give the necessary facilities for transferring the public funds from place to place; but this can only mean cash funds; and it is bound also to receive money on deposite for the United States; but it is not bound to receive in deposite, as cash, the bills of any bank whatever but its own, although they may come within the provisions of the act of 1816."

This, Mr. President, continued Mr. B., was in 1824. It was eight years after the joint resolution of 1816 had passed, and two years after the author of the letter to Mr. Adams, which has been read, came to the presidency of that institution. It is, therefore, the report of transactions to which he was privy and a party. The report speaks historically, in reciting an agreement between the Secretary of the Treasury and the directors of the Bank of the United States, by which, among other things, the selection of the State bank notes receivable in payment of the public lands was to be left to the Bank of the United States, and none should be received except such as that bank would agree to credit as specie; that afterwards the bank receded from that agreement, and refused to receive any State bank notes whatever, taking nothing but gold and silver coin, and its own notes; and finally refused to issue its own notes in the West, even in exchange for specie! and thus left nothing but specie to be received; and after making these recitals, the committee conclude with the expression of their own opinion of the law, that the Bank of the United States was not bound to receive in deposite, as cash, the bills of any State bank whatever, although they come under the provisions of the act of 1816.

These are the recitals, and this the opinion of that committee, and certainly they are correct, both in the narration and in the judgment. What, then, becomes of this charge of illegality in the Woodford speech, and this letter to Mr. ADAMS, thus confuted and invalidated by the conduct of the bank itself? And what becomes of the pretended injury of all those Western banks in having their notes excluded under an order from President Jackson, when they had been previously excluded for nearly twenty years under the orders of the president of the Bank of the United States? Why not complain before? Why not apply to Congress to rescind the order of the bank president, as they now apply for the rescision of the order of the President of the Union? And the politicians and presses which have lavished denunciations upon President Jackson, and wept salt tears over the wrongs of these banks, and the oppressions of the people, on account of the specie order, where were those tears and those denunciations when the president of the Bank of the United States gave previously the same order so many years before, and enforced it up to the day of the removal of the deposites? The fact is, and all the inhabitants of the new States know it, that local bank paper, with few and stinted exceptions, was excluded from all the land offices, from the establishment of the Bank of the United States down to October, 1833. During that long interval, scarcely any thing was received but specie, or United States Bank notes. Local bank paper was in a state of general and permanent exclusion almost the whole time, and the whole country was quiet and contented. No complaint; no charge of illegality; no cry of oppression; no pretext of ruin on the part of the banks; no lamentations and denunciations on the part of politicians. But the instant that President Jackson has done what the president of the bank did; the moment he has restored things to their former footing, and put back local bank paper to the state of exclusion in which it had rested under the administration of both his predecessors, that instant the storm of rage and grief breaks out. A new impeachment must be got up; a new panic must be excited; the Senate chamber is again to become the laboratory of alarm; and a new chorus must become the burden of the song—that the specie order made the distress, and nothing can relieve the distress but the rescision of the order, or the recharter of the bank!

Surely we have accumulated proof enough upon this point; surely there is no necessity for any thing to refute this charge, and to establish the legality of this Treasury order. But other proof is at hand, and, though unnecessary, it shall be used. High as is the authority of the report of the committee of 1824, and close as it is to the point, there is yet a higher authority, and still closer to the point, yet to be adduced; for it is the authority of the same author of the resolution, and that before the question was raised, and while the resolution was on its passage; and in which he not only understood them, as shown afterwards in the report of the committee of which he was a member, but in which he went farther, and expressed his fear that the whole good effect of the resolution might be lost, if the Treasury Department should not execute it precisely as that Department, under the splendid and beneficent administration of President Jackson, had done!

Extracts from Mr. Webster's speech in the House of Representatives, April 26, 1816, on the resolution offered by him for the more effectual collection of the revenue in the lawful money of the country.

"Mr. W. said he felt it to be his duty to call the attention of the House once more to the subject of the collection of the revenue, and to present the resolutions which he had submitted. He had been the more inclined to do this, from an apprehension that the rejection, yesterday, of the bill which had been introduced, might be construed into an abandonment, on the part of the House, of all hope of remedying the existing evil. He had had, it was true, some objections against proceeding by way of bill, because the case was not one in which the law was deficient, but one in which the execution of the law was deficient. * * The situation of the country, (said Mr. W.,) in regard to the collection of its revenues, is most deplorable. With a perfectly sound legal currency, the national revenues are not collected in this currency, but in paper of various sorts, and various degrees of value. * * It is quite clear that by the statute all duties and taxes are required to be paid in the legal money of the United States, or in Treasury notes, agreeably to a recent provision. It is just as clear that the law has been disregarded, and that the notes of the banks of a hundred different descriptions, and almost as many different values, have been received, and are still received, where the statute requires legal money or Treasury notes to be paid. * * There are some political evils which are seen as soon as they are dangerous, and which alarm at once as well the people as the Government. Wars and invasions, therefore, are not

always the most certain destroyers of national prosperity. They come in no questionable shape. They announce their own approach, and the general safety is preserved by the general alarm. Not so with the evils of a debased coin, a depreciated paper currency, or a depressed and falling public credit. Not so with the plausible and insidious mischiefs of a paper money system. These insinuate themselves in the shape of facilities, accommodation, and relief. They hold out the most fallacious hope of an easier payment of debts, and a lighter burden of taxation. It is easy for a portion of the people to imagine that Government may properly continue to receive depreciated paper, because they have received it, and because it is more convenient to obtain it than to obtain other paper or specie. But on these subjects it is that Government ought to exercise its own peculiar wisdom and caution. It is supposed to possess, on subjects of this nature, somewhat more of foresight than has fallen to the lot of individuals. It is bound to forsee the evil before every man feels it, and to take all necessary measures to guard against it, although they may be measures attended with some difficulty, and not without some temporary inconvenience. * * * * * The only power which the Government possesses of restraining the issues of the State banks, is to refuse their notes in the receipts of the Treasury. This power it can exercise now, or at least provide now for exercising it in reasonable time, because the currency of some part of the country is yet sound, and the evil is not yet universal. * * But I have expressed my belief on more than one occasion, and I now repeat the opinion, that it was the duty of the Secretary of the Treasury, on the return of peace, to have returned to the legal and proper mode of collecting the revenue. * * * It can hardly be doubted that the influence of the Treasury could have effected all this. If not, it could have withdrawn the deposites, and the countenance of Government, from institutions which, against all rule and all propriety, were holding great sums in Government stocks, and making enormous profits from the circulation of their own dishonored paper. That which was most wanted was the designation of a time for the corresponding operation of banks of different places. This could have been made by the head of the Treasury better than by any body, or every body else. * * * This Government has a right, in all cases, to protect its own revenues, and to guard them against defalcation or bad and depreciated paper. It is bound, also, to collect the taxes of the people on a uniform system. * * As to the opinion advanced by some, that the object of the resolution cannot, in any way, be answered—that the revenues cannot be collected otherwise than they now are, in the paper of any and every banking association which chooses to issue paper, it cannot for a moment be attempted. * * The thing, therefore, is to be done; at any rate it is to be attempted. That it will be accomplished by the Treasury Department, without the interference of Congress, I have no belief. If from that source no reformation came, when reformation was easy, it is not now to be expected. Especially after the vote of yesterday, those whose interest it is to continue the present state of things will arm themselves with the authority of Congress. They will justify themselves by the decision of this House. They will say, and say truly, that this House, having taken up the subject, and discussed it, has not thought fit so much as to declare that it is expedient even to relieve the country or its revenues from a paper money system. * * But while some gentlemen oppose these resolutions, because they fix a time too near, others think they fix a day too distant. In my own judgment, it is not so material what the time is, as it is to fix a time. The great object is, that our legal currency is to be preserved, and that we are not to embark on the ocean of paper money. * * I cannot say, indeed, that this resolution will certainly produce the desired end. It may fail. Its success, as is obvious, must essentially depend on the course pursued by the Treasury Department."

Having disposed of the charge of illegality, Mr. B. took up that of the unconstitutionality of the Treasury order. He read from the published speech of the Senator from Ohio, [Mr. EWING,] as found in a revised form in the National Intelligencer, the specific allegation of this alleged unconstitutionality, which ran thus:

"There is a provision in the constitution directly in the face of this order. Those who drew up the order seemed to have been aware of it, and to have avoided employing the same words as are used in the article of the constitution; but it is not, therefore, any the less in violation of its provisions. The constitution declares that the citizens of each of the United States shall enjoy all the privileges and immunities of the citizens of the several States; even the States themselves cannot discriminate. But this order gives to the citizens of one State a privilege which the citizens of no other State are allowed to enjoy—that of paying for public land in the ordinary currency of the country. With some this argument will have but little effect, especially as it is directed against an executive act; but it is not therefore the less sound."

Mr. B. said there was an error in the quotation in this place, and not only in the quotation, but in the gentleman's head also. The constitution was erroneously quoted by the gentleman, and that error had pervaded his argument; and, if followed out to its legitimate conclusions, would present a picture of the rarest absurdities and impossibilities. The quotation says, "the citizens of each State of the United States shall enjoy all the privileges and immunities of the citizens of the several States." The constitution said, "all the privileges and immunities of citizens in the several States." The error of the quotation was in using the definite article *the*, and the preposition *of*; and this error unhinged the meaning of the clause, and conducted the argument off on a track which would lead into boundless confusion. The clause, as it stands in the constitution, is general and indefinite, clearly meaning that the States were to treat each other's citizens as members of the same general Government, and not as aliens. The quotation, and the argument upon it, give individuality and particularity to this general right; and, by giving to the citizens of each State the rights of the citizens of all the other States, abolishes at a blow all State lines, and makes one consolidated Government of the whole Union. Thus, by this reading, whatever any citizen can do in his own State, every citizen of every State in the Union may come there and do also—vote with him; hold offices with him; exercise licensed trades and professions with him; contend with him for the honors and emoluments of the State, without owing it allegiance, or paying it a tax, or residing within its limits. What scenes this would give rise to! What crusading visits, or visitations, at the successive elections! Whole States would precipitate themselves in masses upon their neighbors! Some zealous partisans, by aid of steam cars, and race horses, and flying chariots, might succeed in voting in every State in the Union! Suppose the gentleman was right, and this grand secret had been found out before the late presidential election, what a moving flood of living heads we should have seen! such as has never been beheld since Xerxes crossed the Hellespont, or Peter the Hermit led his countless host to the Holy Land! But it will not do. The definite article *the*, and the preposition *of*, which figure in the gentleman's quotation, and rule his argument, are not in *the* constitution; and so the citizens of every State are not to enjoy

the rights and immunities of *the* citizens *of* every other State. Little Delaware is not to give two millions of votes at the next presidential election! Pursuing his error, the gentleman says the States themselves cannot discriminate between the rights of their own citizens and those of other States. But we all know that they can, and that they do discriminate. Every election proves it; every tenure of office proves it; many trades and professions prove it; the requiring or dispensing with bail proves it, the whole distinction between foreign and domestic attachment is founded upon this discrimination. Truly, the gentleman must choose between his pride and his patriotism—between his speech and his country; for his error must be fatal to his argument, or fatal to the States.

Another branch of the constitution assigned by the gentleman from Ohio [Mr. EWING] is the temporary discrimination between payments from settlers and speculators. He insists that all should have the privilege of paying in paper money. Now, the constitution of the United States does not recognise paper for money; it does not recognise the existence of such currency; it is in vain, then, to talk of violations of the constitution on such a point. Again, if it be unconstitutional to discriminate between revenue payments, then Congress cannot do it; and yet Congress has done it, and that in relation to the lands themselves. In March, 1823, an act was passed to make the foreign gold coins of England, France, Spain, and Portugal receivable in payment of the public lands. This was a discrimination, and an exception; for an act of 1819 had illegalized the circulation of foreign coins. But the discrimination which excites greatest complaint is that between the classes of the purchasers—between the settlers and the speculators. What clause of the constitution is to be relied upon to favor these speculators? It is presumed it will be as hard to find their names as the name of paper money in that instrument. But, in one respect at least, they seem to be in a favorable way; they are gaining new friends, and finding advocates and protectors in those who denounced and stigmatized them six months ago! They are now in the hug of those whose kicks they received a few short months ago. But there is a distinction, founded in the nature of things, and recognised by laws, between the settler and the speculator. One is a meritorious class, deserving the favor of all Governments; the other is a pestilential and injurious class, discountenanced every where. The first report ever made under the Federal Government for the sale of our public lands recognised this distinction. It was made by General Hamilton, Secretary of the Treasury, in the year 1790, and is explicitly to the point. This is an extract from the report:

"That, in the formation of a plan for the disposition of the vacant lands of the United States, there appear to be two leading objects of consideration: one the facility of advantageous sales according to the probable course of purchases; the other the accommodation of individuals now inhabiting the Western country, or who may hereafter emigrate thither. The former, as an operation of finance, claims primary attention; the latter is important, as it relates to the satisfaction of the inhabitants of the Western country. It is desirable, and does not appear impracticable, to conciliate both. Purchasers may be contemplated in three classes: moneyed individuals and companies, who will buy to sell again; associations of persons, who intend to make settlements themselves; single persons or families, now resident in the Western country, or who may emigrate there hereafter. The two first will be frequently blended, and will always want considerable tracts; the last will generally purchase small quantities. Hence a plan for the sale of the Western lands, while it may have a due regard to the last, should be calculated to obtain all the advantages which may be derived from the two first classes."

Thus (said Mr. B.) the discrimination between settlers and speculators, and between residents and non-residents, is as old as the first plan for the sale of the public lands; and with these distinctions the legislation of Congress has corresponded from that day down to the time when propositions were made for dividing the proceeds of the lands. Up to that day pre-emptions were granted to settlers; since that day there has been a strenuous opposition to such grants. The new policy is, not to settle the country with meritorious farmers, but to fill the Treasury with paper money for distribution. Formerly settlers were favored; and hence the settled legislation of the country for above forty years. The statute book contains nearly fifty laws in favor of pre-emptions. They begin in 1792, and continue down to about 1830. Six or eight of these laws were applicable to the State of Ohio, and may easily be found under the head of "pre-emptions," in the volume of laws relating to the public lands. The pre-emption system, thus founded in a distinction resting on the nature of things recognised in General Hamilton's report, and practised upon for above forty years by Congress, makes two discriminations—one as to classes of purchasers, the other as to price. The pre-emptioner was a resident; he paid the minimum price, without competition at auction sales. Now, if these distinctions are unconstitutional, Congress could not make them; if they were unjust or unwise, forty years' legislation would not have recognised them. Sir, (said Mr. B.) the Treasury circular, in making this discrimination, only conforms to General Hamilton's report, to forty years' legislation, and to the common sense and common justice of all mankind. It has the sanction of reason, law, time, and precedent; and the only reason why it is attacked, is because we live in times when nothing that President Jackson can do, or not do, can escape attack.

Mr. B. having now fully answered, and, as he believed, entirely refuted, the legal and constitutional objection to the Treasury order, would take up the other branch of the general charge, namely, the ruinous and pernicious effect of the order upon the banks, business, prosperity, confidence, and industry of the country. The news of all this approaching calamity was given out in advance in the Kentucky speech and the Philadelphia letter, already referred to; and the fact of its positive advent and actual presence was vouched by the Senator from Ohio [Mr. EWING] on the last day that the Senate was in session. I do not permit myself (said Mr. B.) to bandy contradictory asseverations and debatable assertions across this floor. I choose rather to make an issue, and to test assertion by the application of evidence. In this way I will proceed at present. I will take the letter of the President of the Bank of the United States as being official in this case, and most authoritative in the distress department of this combined movement against President Jackson. He announces, in November, the forthcoming of the national calamity in December; and after charging part of this ruin and mischief on the mode of executing what he ostentatiously styles the distribution law, when there is no such law in the country, he goes on to charge the remainder, being ten-fold more than the former, upon the Treasury order, which excludes paper money from the land offices. Here is his picture of distress:

"The commercial community were thus taken by surprise. The interior banks making no loans, and converting their Atlantic funds into specie, the debtors in the interior could make no remittances to the merchants in the Atlantic cities, who are thus thrown for support on the banks of those cities at a moment when they are unable to afford relief, on account of the very abstraction of their specie to the West. The creditor States not only receive no money, but their money is carried

away to the debtor States, who, in turn, cannot use it, either to pay old engagements or to contract new. By this unnatural process the specie of New York and the other commercial cities is piled up in the Western States; not circulated, not used, but held as a defence against the Treasury; and while the West cannot use it, the East is suffering for the want of it. The result is, that the commercial intercourse between the West and the Atlantic is almost wholly suspended, and the few operations which are made are burdened with the most extravagant expense. In November, 1836, the interest of money has risen to twenty-four per cent.; merchants are struggling to preserve their credit by ruinous sacrifices; and it costs five or six times as much to transmit funds from the West and Southwest, as it did in November, 1835, or '34, or '32. Thus, while the exchanges with all the world are in our favor, while Europe is alarmed, and the Bank of England itself uneasy at the quantity of specie we possess, we are suffering, because, from mere mismanagement, the whole ballast of the currency is shifted from one side of the vessel to the other." * * *

"In the absence of good reasons for these measures, and as a pretext for them, it is said that the country has overtraded, that the banks have over-issued, and that the purchasers of public lands have been very extravagant. I am not struck by the truth or the propriety of these complaints."

"Now the fact is, that, at this moment, the exchanges are all in favor of this country; that is, you can buy a bill of exchange on a foreign country cheaper than you can send specie to that country. Accordingly, much specie has come in—none goes out; this, too, at a moment when the exchange for the last crop is exhausted, and that of the new crop has not yet come into the market; and when we are on the point of sending to Europe the produce of the country, to the amount of eighty or one hundred millions of dollars. How, then, has the country overtraded? Exchange with all the world is in favor of New York." * * * * *

"The people of the United States, through their representatives, rechartered that institution. But the Executive, discontented with its independence, rejected the act of Congress, and the favorite topic of declamation was, that the States would make banks, and that these banks could create a better system of currency and exchanges. The States accordingly made banks; and then followed idle parades about the loans of these banks, and their large dealings in exchange. And what is the consequence? The Bank of the United States has not ceased to exist more than seven months, and already the whole currency and exchanges are running into inextricable confusion, and the industry of the country is burdened with extravagant charges on all the commercial intercourse of the Union." * *

"In the mean time, all forbearance and calmness should be maintained. There is great reason for anxiety—none whatever for alarm; and with mutual confidence and courage, the country may yet be able to defend itself against the Government. In that struggle my own poor efforts shall not be wanting. I go for the country, whoever rules it. I go for the country, best loved when worst governed—and it will afford me far more gratification to assist in repairing wrongs, than to triumph over those who inflict them."

Here (said Mr. B) is a woful picture of distress, drawn in the same colors in which the same pictures were drawn in 1833. But is it a true picture? and, if it is true, what has caused it? To these questions the answers are plain: first, that the picture is not true, except in places where the Bank of the United States and its affiliated banks have power to make it so; and, secondly, that whatever real distress is felt in some places, is occasioned by the deposite act of the last session, and the conduct of the banks acting with politicians and with the Bank of the United States. The general prosperity of the country is great; but there are places, Philadelphia, New York, and some others, where the withdrawal of money under the deposite act has occasioned a pressure, and where the policy to create distress, and to throw it upon the Treasury order, is seconded by the ability to accomplish what is desired. This is about the true state of the question; and evidence will be at hand to show it. Mr. B. said it would be remembered that, when this resolution was called up a few days ago, he had specified his intention to obtain from the Treasury Department the comparative returns of many banks, both in the new States, where there were public lands, and in the Atlantic States, where there were none; and, by looking into their condition before the Treasury order was issued, and since that order had gone into full operation, he would be able to see in what manner the banks had been affected by it. He had now obtained those returns. They, of course, were limited to the deposite banks; but being scattered over every State in the West, from the lakes to the Gulf of Mexico, and throughout the Atlantic States from Maine to Georgia, the result which they would present could not be otherwise than a fair index to the general condition of the whole country. He had looked carefully over these returns, covering as they did eight large folio pages, and the result indicated not only a good condition, but an improved condition; not only an ability to aid the community, but aid actually given. Mr. B. then went over the returns, one by one, taking for his points of comparison the months of July and November; that is to say, the month before the order went into operation, and the latest month at which the banks had been heard from since. He examined them under the three heads of 1. Loans; 2. Specie on hand; and, 3. Circulation; and the general results were, that the loans in November were larger than in July; the specie greater in November than in July; the circulation in many instances not diminished, in some increased; and in most instances the specie on hand and the circulation brought to a nearer proportion to each other; insomuch that banks which had eight, ten, or twelve dollars of paper out for one dollar of silver in their vaults in July, were now brought to the safer proportion of three or four to one in November. This was proof that the banks were not crippled. It was proof that they were not denying accommodations. The proof was complete, as far as it went, and it went all over the Union, that these banks were not injured by the Treasury order, but were benefited by it; it was proof that they were not only able and willing to assist the community, but actually had assisted them.

On the other hand, there might be banks which were not assisting the community, and which were accomplishing a pecuniary and political object at the same time, by shutting their doors upon borrowers, and throwing them into the hands of money dealers at three per cent. discount per month. This was said to be the case in Philadelphia; that Philadelphia which was the seat of the new United States Bank, with her capital of thirty-five millions, which one short year ago was to make money so plenty in that State, and to reduce interest to 5 per cent. per annum. Three per cent. discount, equal to 4 per cent. interest, is now the rate of usury which prevails around her! And she can make it 6 or 12 per cent. per month whenever she pleases. Where banks have monopolized the currency, and become the dispensers of money, they can make interest, or usury, what they please. They have only to stop discounts, and throw the borrowers into the hands of usurers. Pretexts will never be wanting. Any thing that happens, or does not happen, will do; the removal of the depos-

ites—the issuance of the Treasury order—or the last year's snow. One thing is as good as another; for the banks themselves are the sole judges of their own reasons, decide without argument, and without appeal, and act upon the decision without mercy and without remorse.

This is now going on in some of the principal cities, where the deposite act, creating a real pressure, gives to the Bank of the United States and its affiliated institutions the power to do great mischief. Of this power they avail themselves; but their sphere of action is limited, not general. Their victims are individuals, and not the Union. They destroy individuals, or, at most, isolated communities. At the most, they only do a Goliad business—kill their prisoners; that is to say, the debtors; a pen-full, or a pail-full, at a time. The debtor part of the community, where the powers of the Bank of the United States and its associates predominate, suffer severely and cruelly; but the remoter parts of the Union are safe. The Briarian arms of the monster no longer reach to the extremities of the Union. It can no longer strike down exchanges, sink the price of produce and property, and demolish merchants and traders in the towns and cities of the South and West. The tragedy of 1833, now pe forming on the local theatres of some of the Atlantic cities, cannot be again extended to the country towns and remote States.

Mr. B. remarked upon the statements in Mr. Biddle's letter; he chose to refer to that letter as being the revealed source of this proceeding against President Jackson, and the fountain from which all the arguments of the opposition are drawn; he remarked upon the statements in it, that it was the great transfer of specie to the West which occasioned distress in the East; that much specie had gone to the West, and that none had been exported. Mr. B. said he had prepared himself with facts to reply to these two assertions. In the first place, a Treasury return which he held in his hand, showed that no more than $1,463,656 in specie had been received at all the land offices under the Treasury order, and a like return showed that $312,811 in gold, and $4,123,004 in silver, had been exported from the United States this year. Here then was an export of specie to foreign countries of three times the amount of that which went into the land offices; yet the public are to be told by the president of the bank bearing the name of the United States, that no specie had been exported!

It is in this way that the public is deceived, and that the Treasury order is made the pack-horse, to be loaded with every thing that can be heaped upon it. The export of four and a half millions of specie to foreign countries is called nothing—is said to be none—while one and a half millions, gone into our land offices, has overset the national ship, and deranged the business of a continent! One million and a half out of seventy-five millions has gone into the land offices. Who would feel it? How could it disturb the business of the country? And, especially, how could one million and a half, by going into the interior of our country, do all this mischief, when four and a half millions, by going to foreign countries, is not felt or known? But there was another operation in specie of which Mr. B. had been informed, and which he should bring under the inquiries of a committee, if he should be so fortunate as to be allowed one, and which he mentioned now, not as evidence to convince the Senate, but as a ground for demanding a committee. His information was this: that in the month of September last, the merchants and bankers of New Orleans became suddenly surprised at the mysterious scarcity of specie. It had vanished as if by magic. A meeting was held to know what had become of it; and it was ascertained that the Bank of the United States had collected and boxed up $1,800,000 in that city, and refused a dollar of it to her creditors there! and that a bank holding $300,000 of her notes, had to send them, and did send them, to Philadelphia to be cashed, at great expense, and, what was more material, at great loss of time, when the city was otherwise pressed for specie by the double cause of demands to supply the Western land purchasers, and failure to receive the accustomed supplies from Mexico, on account of the Texian war. Here, then, was $300,000 more taken out of circulation by the Bank of the United States in one month, than all the land offices received in four months; and if the fact was true, as related to him, the evidence was clear and incontestable that this bank was itself making the scarcity and pressure which it has been falsely throwing upon the Treasury order, and upon President Jackson. Mr. B. asked no one to condemn the bank unheard upon this statement; but he also asked that no one would refuse to have it inquired into by a committee.

The real cause of the pecuniary pressure and derangement of the exchanges experienced in some of the large cities, exclusive of that created by some of the banks, was the deposite act of the last session. That act causes thirty odd millions of dollars, about fifteen millions of which is money appropriated to useful and essential objects, to be suddenly withdrawn from the vortex of business, and transferred to places where it must stagnate for some time before it can come again into active employment. Aware of this, and sensible that the public eye was fixed upon this act as the real source of a bona-fide distress, the attempt is made to turn off the effect from the act itself, to the mode of its execution. It is not the transfer of these thirty millions, they say, which has done the mischief, but the manner of making the transfer! This (said Mr. B.) is a repetition of the old song about the removal of the deposites. It was not the removal, but the manner of the removal, which had done all the mischief in 1833. And when pressed to explain what was this mystical manner of acting which was so magically calamitous, the solution was in the destruction of confidence. This was the solution then; it is the solution now; for the president of the Bank of the United States expressly declares that the instant recision of the Treasury order would restore confidence in twenty-four hours, and relief in as many days. This was the declaration during the whole panic of 1833; and its meaning then and now is the same: that the Bank of the United States and its affiliated institutions would cease scourging the country the instant that Congress would grant its president the victory and triumph which he demands over President Jackson! The six months' cry of the session of 1833-'34 was, that the restoration of the deposites, or the recharter of the bank, would relieve the distress in twenty-four hours, and that nothing else ever could relieve it. Now it happens that the test of time, and the letter of the president of the Bank of the United States, has shown that this cry of six months' duration was entirely erroneous; for the distress did cease, and unbounded prosperity has ensued; while the only condition on which this was to take place has never happened; the deposites are not restored; the bank is not rechartered; the distress did cease; unexampled prosperity has ensued, which is attempted to be interrupted again by those who interrupted it then.

Mr. B. said the deposite act was the offspring of the land bill, and became the substitute for it. That bill had passed the Senate before the deposite bill was brought in, and, so far as the Senate was concerned, had made a previous disposition of the same money. That bill was carried through the Senate by the votes of those who are considered as the tutelary deities of the merchants and bankers on this floor; yet the disposition which it proposed to make of what was called the pro-

ceeds of the sales of the public lands was ruinous to the banks and the merchants of the great Atlantic cities. It made a call for money, and a distribution of money, which must have driven every debtor to these banks to the immediate payment of every shilling which he owed in any deposite bank; and would have produced a pressure and consternation which would have pervaded the whole moneyed system, and the whole business community of the places where they were. This is the provision of the bill. It is the third section, in the form in which it passed the Senate, and went to the House of Representatives.

"SEC. 3. *And be it further enacted*, That the several sums of money received in the Treasury as the nett proceeds of the sales of the public lands for the years eighteen hundred and thirty-three, eighteen hundred and thirty-four, and eighteen hundred and thirty-five, shall be paid and distributed as aforesaid, at the Treasury of the United States, one fourth part on the first day of July, eighteen hundred and thirty-six, and one fourth part at the end of each ninety days thereafter, until the whole is paid; and those which shall be received for the years eighteen hundred and thirty-six and eighteen hundred and thirty-seven shall also be paid at the Treasury half-yearly, on the first day of July and January, in each of those years, to such person or persons as the respective Legislatures of the said States shall authorize and direct to receive the same."

Now, (said Mr. B.,) let any banker or merchant of the great commercial cities count up the sums which would have been payable in the short period of nine months under this act. They would have been these: eighteen millions and three quarters of a million of dollars on the first day of July last; six millions on the first day of October last; eighteen millions and three quarters on the first day of January next; and six millions on the first day of April next; amounting, in the whole, to forty-nine and one half millions of dollars; for such was the amount of the proceeds of the sales of the public lands for the years mentioned up to 1836. But the section also included the proceeds of the sales for 1837, which were to be divided out on the first days of July, 1837, and January, 1838. Their amount cannot be known so as to be added. The Secretary of the Treasury, on the basis of hard money payments, estimates them at five millions of dollars; but if these resolutions pass, and the notes of all the banks in the Union become receivable for public lands, the whole national domain may be swept. Every acre may be changed into paper, and that paper be added to the mass of the unavailable funds now in the Treasury.

Mr. B. deemed it right to bring these facts to the recollection of the Senate, and to place them before the eyes of those who looked upon the authors of such measures as their peculiar protectors. That third section of the land bill would have been desolation to the great cities; it was opposed as such on this floor; yet it passed this Chamber, but hung in the House of Representatives until the deposite bill was passed here, and sent down to supersede it. That deposite bill, which proposes only thirty odd millions for abstraction from the great channels of commerce, is, in reality, crippling banks and merchants, and distressing the great cities. What, then, would it have been if forty-nine and a half millions had been taken from them in the short space of nine months? And what would have been its effect upon the Treasury of the United States? Bankruptcy! For it is now seen that there will be in the Treasury on the first of January next but about forty-one millions of dollars, and that inclusive of fifteen millions of unexpended balances, applicable to objects of great necessity, and not completed. Let these facts and these views be kept in mind, whenever the land bill and the deposite act are mentioned.

Mr. B. had a question to put to the defenders of the banks which affected to be crippled and half killed, and unable to lend a dollar, on account of this Treasury order. It was this: How comes it that these banks never felt a wound, or uttered a complaint, during the many years in which their paper was excluded from both branches of the revenue of the Federal Government, by the by-laws of the Bank of the United States? Mr. B. had read, for another purpose, the 24th article of the by-laws of this corporation, by which the notes of all the local banks of the Union were excluded from receivability in any revenue payment whatever, except the notes of the specie paying banks in the same city or place where the branch bank was situated. He would now read the 25th article of the same bank code, which would show that this exception in favor of the local banks in the same place with the branch was of no advantage to them, but the contrary, as it merely amounted to a collection of their notes for immediate convertibility into coin. The article is in these words:

"ARTICLE XXV. The offices of discount and deposite shall, at least once every week, settle with the State banks for their notes received in payment of the revenue, or for the engagements of individuals to the bank, so as to prevent the balance due to the office from swelling to an inconvenient amount."

Here (said Mr. B.) is the condition of the whole catalogue of State banks, during the days of the reign of the Bank of the United States. All excluded from revenue payments, both land and customs, except those in the twenty-five places where branch banks were situated, and the few thus excepted called upon for the weekly redemption of their notes. This, in fact, was an exclusion of their paper, and a receipt of their specie alone, and worse to them than a total exclusion; for the nominal reception would cease then to be taken out of the channels of circulation, brought to the branch to meet the revenue payments, and thence sent back to their own counters for redemption in coin. And this continued to be the case down to the day of the removal of the deposites. Yet these banks never affected to be unable to do business in this long state of total exclusion from all revenue payments by the power of the Bank of the United States. It is only when one half of the same thing is done by President Jackson that they pretend to be ruined. Mr. B. said it was time for the public to mark the conduct of banks, and to discriminate between those which maintained their course as moneyed institutions, and those which were nothing but shaving shops and political engines. Many banks had so acted as to prove that they were at the beck and nod of politicians, and subservient to the mischievous designs of the Bank of the United States. They were ready to close their doors upon borrowers at the approach of the elections, and to storm Congress with petitions in favor of any movement of the Bank of the United States. Who can forget their petitions at the veto session, and at the panic session, in which they stooped so low as to pray to have the Bank of the United States kept in existence to rule over them, and prevent them from issuing more notes than they could pay? Who can forget their refusal to receive the public deposites, when that refusal was necessary to help out the Bank of the United States in its attempts to embarrass the Government, and injure the country? These things, and many others, must be remembered, and marked; and the community and the Government must learn to discriminate between institutions which conduct themselves on business principles, and those which are at the service of politicians whenever a political effect is to be produced, and at the service of a revengeful institution whenever it suits her policy to have a panic in the country,

Mr. B. referred to the general state of the country to

prove its general prosperity; he referred to the high prices paid for every thing to prove that money was not scarce, except to those whose engagemnets compelled them to repair to the banks; he referred to the rates of exchanges in the South and West to prove that the exchanges of the country were good wherever they were beyond the reach of the Bank of the United States; and he stated the contents of letters in his possession from presidents and cashiers of banks in Ohio, Mississippi, and Louisiana, to show that there was but one objection to the Treasury order, and that was, that it had not been issued early enough!

Having vindicated the Treasury order from the charges of illegality and unconstitutionality, and shown that it had not been ruinous to the country, Mr. B. said he would proceed to show the reasons for which it had issued, and the benefits which had resulted from it. President Jackson, it was known, in the exercise of his high constitutional duty to see the laws of the country faithfully executed, had directed the issuing of this order. He stood before the country as its responsible author. As such he had been denounced. As such he was charged with violating the laws and constitution, and destroying the prosperity of the country. As such he is calumniated in the Philadelphia letter, which calls this order "the revenge of the President upon Congress for passing the distribution bill." As such, another condemnation, for the gratification of discomfited politicians and a dethroned national bank president—another victory in the Senate chamber for those who have been defeated at the polls—is now sought against him in this attempt to rescind that order. Under such circumstances, it is not only right that he should find defenders, but that he should be heard also in his own defence. Mr. B. would therefore refer to the annual message delivered at the opening of this session of Congress, and point the attention of the Senate and the country to the whole of that profoundly wise, transcendently patriotic, and paternally beneficent, part of the message which relates to the general currency and to the national domain.

Extracts from the President's Message.

"I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

"It is apparent, from the whole context of the constitution as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the Revolution, had become so justly obnoxious as not only to suggest the clause in the constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the convention which negatived the proposition to grant power to Congress to charter corporations; a proposition well understood at the time as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes, on a capital to be created to some extent out of Government stocks. Although this proposition was refused by a direct vote of the convention, the object was afterwards in effect obtained by its ingenious advocates, through a strained construction of the constitution. The debts of the Revolution were funded, at prices which formed no equivalent compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act to distrust.

"The facts that the value of the stock was greatly enhanced by the creation of the bank; that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

"On the establishment of a national bank, it became the interest of the creditors that gold should be superseded by the paper of the bank as a general currency. A value was soon attached to the gold coins, which made their exportation to foreign countries, as a mercantile commodity, more profitable than their retention and use at home as money. It followed as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

"Such was the orgin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States."

"The effects of an extension of bank credits and over-issues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in banks. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the Government by a credit on the books of the banks. Those credits on the books of some of the Western banks, usually called deposites, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in their notes, than they were immediately lent to another for a like purpose, and the banks were extending their business and their issues so largely as to alarm considerate men, and render it doubtful whether bank credits, if permitted to accumulate, would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposite banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

"The safety of the public funds, and the interests of the people, generally, required that these operations should be checked, and it became the duty of every branch of the General and State Government to adopt all legitimate and proper means to procure that salutary effect. Under this view of my duty, I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the fifteenth of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the Western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new States

from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants, at Government prices, instead of their being compelled to purchase of speculators at double or triple prices, and it is conveying into the interior large sums of silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find in the motives which induced that order, and the happy consequences which will have ensued, much to commend and nothing to condemn."

Mr. B. said it would be observed by the Senate that the reasons for issuing the Treasury order are introduced by the President under the head of "currency," and not under the head of "public lands;" and that, in his whole manner of treating it, the currency is the object, and the lands the incident. The regulation of the currency is the great object; and as the lands, and not the custom-house, was the exciting cause of the swollen, bloated, and diseased state of the currency, the remedy was directed to the lands, and not to the customs. All this is visible in the passages read. It is also visible in the original Treasury order itself, where the discouragement of the ruinous extension of bank issues, the preservation of the soundness of the currency, and the safety of the Federal revenue, are distinctly and prominently set forth among the high inducements to its issue. Very rightly, then, did the Senator from Massachusetts [Mr. WEBSTER] express himself on Thursday last, in the few remarks which he then made; very rightly did he declare this to be a currency question, and not a land question! a financial measure of the greatest moment and extent, affecting every interest and the whole Union! and rightly did he claim for it that high consideration which is due to a measure, not of sectional, but of national concern. The gentleman is right. The Treasury order is a regulation of the national currency, issued under the constitutional obligation of the President to preserve and protect the currency of the Federal Government, and exercised according to the manner pointed out by the author of the joint resolution of 1816, and according to the manner, though not to the same degree, that the regulation of the currency was effected by the Bank of the United States during the whole period of its existence. The constitution recognises nothing for money but gold and silver. The President is the sworn protector, defender, and preserver of that constitution. To permit any part of its guarantees to be subverted and destroyed, is a dereliction of duty, or a defect of vigilance in him. The joint resolution of 1816 does not grant, but recognises and enforces, his constitutional duties and powers over the preservation of the constitutional currency. The author of that resolution, in the speech from which I have read extracts—a speech abounding with just sentiments—recognises all this authority, and proclaims all this duty of the President as attributes of the Executive Government, existing anteriorly to his resolution; a measure only rendered necessary because these powers and duties had been neglected. Listen to him: "There are some political evils which are seen as soon as they are dangerous, and which alarm at once as well the people as the Government. Wars and invasions, therefore, are not always the most certain destroyers of national prosperity. They come in no questionable shape. They announce their own approach, and the general safety is preserved by the general alarm. Not so with the evils of a debased coin, a depreciated paper currency, and a depressed and falling public credit. Not so with the plausible and insidious mischiefs of a paper money system. These insinuate themselves in the shape of facilities, accommodation, and relief. They hold out the most fallacious hope of an easier payment of debts and a lighter burden of taxation. It is easy for a portion of the people to imagine that Government may properly continue to receive depreciated paper because they have received it, and because it is more convenient to obtain than other paper or specie. But on these subjects it is that Government ought to exercise its own peculiar wisdom and caution. It is supposed to possess, on subjects of this nature, somewhat more of foresight than has fallen to the lot of individuals. It is bound to foresee the evil before every man feels it, and to take all measures to guard against it, although they may be measures attended with some difficulty, and not without some temporary inconvenience. The only power which the Government possesses of restraining the issues of the State banks is to refuse their notes in the receipts of the Treasury. This power it can exercise now, or at least can provide now for exercising it in reasonable time, because the currency of some parts of the country is yet sound, and the evil is not yet universal. But I have expressed my belief on more than one occasion, and I now repeat the opinion, that it was the duty of the Secretary of the Treasury, on the return of peace, to have returned to the legal and proper mode of collecting the revenue. This Government has a right, in all cases, to protect its own revenues, and to guard them against bad and depreciated paper. As to the opinion advanced by some that the object of the resolution cannot in any way be answered; that the revenues cannot be collected otherwise than they now are, in the paper of any and every banking association that chooses to issue paper, it cannot for a moment be admitted. The thing then is to be done; at any rate it is to be attempted. That it will be accomplished by the Treasury Department, without the interference of Congress, I have no belief. If from that source no reformation came when reformation was easy, it is not now to be expected. The great object is that our legal currency is to be preserved, and that we are not to embark on the ocean of paper money. I cannot say, indeed, that this resolution will certainly effect the desired end. It may fail. Its success, as is obvious, must essentially depend on the course pursued by the Treasury Department."

Mr. B. would add nothing by commentary to the power or appositeness of these quotations. They were up to the exigencies of the present occasion, fitted it as if made to order, and superseded the necessity of argument or illustration. One thing ought to be well observed, that this speech, going the whole length, not only of justifying the present Treasury order, but blaming the Treasury Department in 1816 for not having done the like, and expressing the fear that it might not do it in time to come, was delivered on the 26th day of April, 1816, four days before the passage of the joint resolution of that year! consequently, and as the whole speech proves, all the powers and duties claimed in that speech for the Treasury Department, and the Executive Government, over the regulation of the currency, the restoration of the constitutional money, and the exclusion of State bank paper from revenue payments, were independent of that resolution! were founded—1st, upon the constitution; 2d, the act of 1789, that the customs should be paid in gold and silver coin only; 3d, the act of May 10th, 1800—the fundamental act for the general sale of the public lands—and directing that all purchasers should make payment for the same in specie, or in evidences of the public debt of the United States! These were the foundations of the gentleman's argument; these the laws the violation of which he had in his eye; these the ground of his complaint against the existing administration; these the future ark of his financial hope. These are the laws, faithful expositors of the constitution, in aid of which, and to compel the speedy execution of which, the joint

resolution of 1816 was conceived and passed. The author of the resolution said at the time that the success of the resolution depended upon the Treasury Department, and expressed his fear that it might fail of its object through the fault of that Department—a fear in which the gentleman's misgivings were prophetic, until the splendid and beneficent administration of General Jackson rose upon the political horizon, to bless and exalt his country; to command the admiration of the world, civilized and barbarian, and to realize the gentleman's own cherished and adored vision of 1816—the constitutional currency restored, and the bloated and pestilential carcases of the paper system expelled from the doors of the Federal Treasury.

Mr. B. repeated the date of the speech from which he had read an extract; it was the 26th of April, 1816, four days before the passage of the joint resolution of that year. He now had another extract from another speech of the same gentleman, also delivered before that joint resolution was passed, and clearly indicative of his intention in bringing forward that measure, to compel, as soon as possible, the complete re-establishment of the currency of the constitution as the sole and exclusive currency of the Federal Government. It was a speech delivered in February, on the passage of the charter of the Bank of the United States, and in which the speaker took the great and true ground that the law and Treasury Department, and not the bank, ought to be the true regulator of currency. Mr. B. only read the parts which were applicable to the point in debate, namely, the legal currency of the United States, and the speedy and compulsory payment of the whole revenue in that currency.

Extract from Mr. Webster's speech on the Bank of the United States Charter Bill, February, 1816.

"No nation had a better currency than the United States. There was no nation which had guarded its currency with more care; for the framers of the constitution, and those who enacted the early statutes on this subject, were hard money men; they had felt, and therefore duly appreciated, the evils of a paper medium; they, therefore, sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin; this was a subject in regard to which Congress had run into no folly. * * Mr. W. declined occupying the time of the House to prove that there was a depreciation of the paper in circulation; the legal standard of value was gold and silver; the relation of paper to it proved its state, and the rate of its depreciation. Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad; there could, in the present state of the world, be no other currency. In consequence of the immense paper issues having banished specie from circulation, the Government had been obliged, in direct violation of existing statutes, to receive the amount of their taxes in something which was not recognised by law as the money of the country, and which was, in fact, greatly depreciated. * * * * * *

"As to the evils of the present state of things, Mr. W. admitted it in its fullest extent. If he was not mistaken, there were some millions in the Treasury of paper which were nearly worthless, and were now wholly useless to the Government, by which an actual loss of considerable amount must certainly be sustained by the Treasury. This was an evil which ought to be met at once, because it would grow greater by indulgence. In the end, the taxes must be paid in the legal money of the country, and the sooner that was brought about the better. * * * * If Congress were to pass forty statutes on the subject, he said they would not make the law more conclusive than it now was, that nothing should be received in payment of duties to the Government but specie; and yet no regard was paid to the imperative injunctions of the law in this respect. The whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of the duties and taxes to the Government in the legal currency of the country."

Now (said Mr. B.) the Senate will doubtless be willing to hear what was said by the friends of the administration in 1816, to those powerful appeals from the gentleman who so strenuously plead the cause of the laws, the constitution, and hard money. He had looked over the speeches of that day, and found the whole of their answers compressed into a short paragraph by Mr. Sharpe, of Kentucky, a gentleman of genius and ability, and whose tragical death had since attracted so much public notice and commiseration.

"In reply to the argument of Mr. Webster, that the remedy for the evil was in the power of the Secretary of the Treasury, by requiring payment of the dues to the Government in specie, Mr. S. said the gentleman had not demonstrated that there was specie enough in the country for the purposes of the payment of the revenue to the Treasury, nor that the banks have not the means ultimately to force the Government to take their paper in payments to the Treasury. The disposition was not wanting in the officer at the head of that Department to apply the remedy, if it was in his power."

This was the answer! a deplorable confession of the condition to which the Federal Treasury had been reduced by receiving State bank paper in payment of the federal revenues! That policy had begun under General Hamilton, and been folowed up by other Secretaries, in violation of the laws and constitution, until nothing but inconvertible paper remained in the Treasury, and little else in the country. All their fine phrases about specie-paying banks, and paper equivalent to specie, and no paper but what the collectors and depositories of the revenue would receive as cash—all these holiday phrases had ended, as such schemes must forever end, in the eventual general use of paper, the eventual general banishment of specie, and the eventual general stoppage of banks, and universal depreciation of paper money. This was the only answer which could be given in 1816, and the only one that could be given until President Jackson's measures for restoring the constitutional currency shall have raised that currency to seventy-five millions of dollars. There is now specie enough in the country to make all revenue payments in gold and silver; and the purchasers of the public land, speculators and bank borrowers excepted, have found no difficulty in getting specie to make their payments. Land office returns prove this. The sum of $1,463,656 was paid into the land offices, in gold and silver, from the 15th of August, when the order took effect, down to the middle of November, to which the returns were made up. This was a million and a half for three months, being at the rate of about six millions per annum. This would buy near five millions of acres of land at the present minimum price; and five millions of acres of public lands, in addition to other sources of supply, is double as much as the progressive settlement of the country has ever required. Does the demand for this small sum—a sum which does not go out of the country, but enters immediately into general circulation through the Government payments—cannot such a demand be supplied out of the seventy-five millions in the country, especially when four and a half millions were exported to foreign parts this very year, not to return again? Of the seventy-five millions of specie in the country, the banks alone were computed by the Secretary of the Treasury to have forty-five millions in their vaults. Can they not spare a few millions for the service of the country, especially when the measures of President Jackson's administration have increased their

supplies of the precious metals from twenty-five to forty-five millions in three years? Mr. B. would subjoin from the Treasury report the statement of specie in all the banks in the United States, as far as obtained at the Treasury Department, first premising that the report was not complete. The number of banks in the United States and their branches is near one thousand! Their names occupy twelve columns in Bicknell's Counterfeit Detector, with nearly eighty names in each column! The Treasury report does not include them all, but the main part, and their specie is reported thus:

October, 1833,	-	$25,000,000
January, 1834,	-	27,000,000
January, 1835,	-	43,000,000
January, 1836,	-	40,000,000
December, 1836,	-	45,000,000

Here is an increase of specie in their vaults, said Mr. B., of twenty millions in three years, and of five millions of dollars during the very year of the Treasury order's existence—a fact which, of itself, exposes and puts to shame the whole story of their distress and ruin, and inability to aid the community on account of this order, or to furnish the specie which it requires. The fact is conclusive: it stamps the whole contrivance on the part of the banks which have engaged in it, as a shameful and fraudulent imposition upon the public. It is enough of itself; but the custom-house books show that these banks would in reality have increased their specie to ten millions this year, had it not been for the sums exported to foreign countries. The exports of specie, up to near the end of November, were $4,435,815; of which $312,811 was in gold. But this is nothing, according to the Philadelphia letter. It is nothing; while the one third of that sum going into our land offices, and thence through Government payments to the people, is to create intense distress, derange the exchanges deprive the banks which affect to be injured by the Treasury order of all capacity to make loans to business men, and justify them in throwing borrowers into the hands of usurers, to be fined at the rate of 3 per cent. per month discount (equal to 4 per cent. interest) for the use of money.

But Mr. B. had another test to apply to the capacity of those banks to furnish the small amount of five millions of dollars per annum for the purchase of public lands. It was in the contrast exhibited by the one thousand banks of the United States with what is done by a single banker in the English county—he might almost say kingdom instead of county—for Lancashire, in point of wealth, is equal to the second rate kingdoms of Europe—in the English county of Lancashire, and where there are no local paper-issuing banks or bankers. He would give the sworn words of Samuel Jones Lloyd, Esq., a banker, examined before the committee of thirty-one members of the House of Commons in 1832; a committee of which Lord Althorpe was chairman, and such men as Sir Robert Peel, Lord John Russell, Mr. Goulburn, Sir Henry Parnell, Mr. Baring, and more than two dozen scarcely their inferiors, were members, and on which such men as the Governor of the Bank of England, Mr. N. M. Rothschild, and a hundred distinguished bankers and merchants were witnesses. Mr. Lloyd, among other things, testified to the quantity of gold paid weekly by a single banking establishment, (his own,) for wages to working people in the city of Manchester, one out of the many great cities which Lancashire contains. This is the part of his evidence relating to this point:

"A great amount in gold is paid at Manchester, in wages. Witness's house issues about 25,000 sovereigns weekly. That issue was formerly in one pound notes. There is no local issue in Lancashire."

Here are three statements (said Mr. B.) which ought to be sterotyped on the head and heart of every friend to the constitutional currency of our America: 1. Twenty-five thousand sovereigns paid weekly by one banking-house, for wages to working people. 2. This amount formerly paid in one pound notes. 3. No local bank issuing paper now in Lancashire.

Confining his remarks to one only of these statements—the amount of weekly payments in gold—Mr. B. said the annual amount was one million three hundred thousand sovereigns, equal to six millions and a half of dollars! This was paid by a single banking house; and are we to believe that the 1,000 banks in the United States cannot furnish the same amount for the purchase of the public lands? And are we, after attempting to make them do it, to be clamored down by a combined cry from speculators, a part of the banks, and politicians, that the country was paralyzed and desolated by the experiment, and that all further attempt must instantly cease?

Mr. B. would make a short issue with all these complaining banks; they either have, or have not, their proportion of the forty-five millions of specie which they report is in their vaults. If they have it, there is no difficulty in furnishing specie for the land offices; if they have it not, then their returns are deceptive—their periodical exhibitions of specie are nothing but show money; and the sooner the people find out their hollowness and emptiness, the better for the whole community.

But, (continued Mr. B.,) let the amount of specie be what it may in the banks, the fact is, that there is about seventy-five millions in the country, and a goodly part of that is in the hands of the community. In October, 1833, when the deposites were removed, the whole amount of specie in the banks was returned at about twenty-five millions, and that in the hands of the community was computed at only four millions. The community is now computed to have twenty-eight millions, and the annual increase is thus reported by the Secretary of the Treasury:

Dates.		Specie in active circulation.
October, 1833	-	$4,000,000
1st January, 1834,	-	12,000,000
1st January, 1835,	-	18,000,000
1st January, 1836,	-	23,000,000
1st December, 1836,	-	28,000,000

Here, then, is a sum in the hands of the community, sufficient to supply the public land demand, on account of actual settlers, four times over. The rapidity with which gold and silver has increased since the commencement of the operations to restore the constitutional currency, should banish all doubt on the practicability of doing it. See what has been done in four years against the powerful opposition, the systematic resistance, and the scoffings and jeerings of a great political and moneyed party. Four years more may be equally successful, if these resolutions can be defeated, and, instead of seventy-five millions, one hundred and twenty millions, and nearly forty millions of it gold, may be in the country. But nobody expects this amount to come into the country, or what is in it now to remain, unless the Federal Government can continue its onward course in the reformation of the currency. If it relapses into a paper money currency, the whole community must relapse into it also; and the result must be, what it has been heretofore, universal banishment of the precious metals, the eventual stoppage of all the State banks, and a call for the re-establishment of the Bank of the United States, as the only safe regulator of the State currencies.

The increase of banks and paper money, and the necessity of restraining the issues of these corporations, as alleged in the President's message, was next adverted to by Mr. B. He referred to the report of the Secretary of the Treasury, which showed these results:

Dates.	Paper in active circulation.
Near 1st October, 1833,	$80,000,000
1st January, 1834,	76,000,000
1st January, 1835,	82,000,000
1st January, 1836,	108,000,000
1st December, 1836,	120,000,000

Here is an increase of about forty millions of paper money in two years. But it is not the whole increase in that time. The computation is principally made from the returns of the old banks; while one hundred and six new ones, with capitals of sixty millions, had been created; and twelve millions and three quarters of increased capital to the old banks had been granted during the past winter; so that fifty millions of increase of paper was probably the amount when the Treasury order was issued, and the increase going on with a deplorable rapidity. The national domain was the object that was attracting it. The temptation was irresistible. A quire of paper, speckled over with figures, would transmute into 100,000 acres of land; a ream of paper into a million of acres. One thousand engines were at work, striking this paper; hosts of speculators, loaded with bales of it, were on their way to all the new States. It was evident the national domain was becoming a fund for the redemption of all this paper. It was all receivable in exchange for lands; and the holders of these bills seem to consider them as *assignats*, like those of the French national convention, convertible into the territory of the republic at the will of the possessor, and the faster the better. This was the state of things on the rise of Congress, and the two halls of that body had resounded with the denunciation of the ruinous aspect of this exchange of land for paper, four months before the adjournment took place. The President, acting under the constitution and laws of the country, applied the remedy which the crisis required, and which the laws and constitution authorized. He saved the national domain; he checked the expansion of the paper system; he saved the Treasury from a frightful accumulation of "unavailable funds;" and he prevented that catastrophe in the State banks to which the Bank of the United States is anxiously looking, systematically promoting and impatiently awaiting that catastrophe in the local banks which would again disgrace and discredit them, and bring forth the whole United States Bank party to exclaim, We told you so! we told you this would be the consequence of not renewing our charter! and now you all see it! and we demand the re-establishment of the national bank as the only means of regulating the State banks! President Jackson has prevented all this; and has shown that the constitutional currency can regulate the State banks; and for this he has drawn upon himself the denunciations of disappointed speculators, disappointed politicians, and disappointed bankers. He has prevented many and great evils, and, among others, the further depreciation of the currency. Fifty millions of additional paper, put out in two years, has enabled the banks to imprison forty-five millions of specie, and the whole one hundred and thirty millions of paper money afloat during the summer has depreciated the general currency; which is seen by the importation of wheat from Germany and the Black sea, by the importation of beef and pork from Ireland, hay from Scotland, and many other necessaries of life from Europe; which is seen in the rise of price in every article which depends for sale on its depreciated currency; for articles whose price depends upon foreign markets, where the notes of our one thousand banks are not taken for money, as tobacco and cotton have not risen. The progress and the evils of this depreciation, which commenced before the Treasury order, which that order has checked, but which must recommence with its recision, is powerfully sketched in that part of President Jackson's message which relates to the currency. He says:

"The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community has neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that, although their wages are nominally the same, or even somewhat higher, they are greatly reduced, in fact, by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise, and gradually reach a justly proportioned rate to that of the products of their labor. When thus, by the depreciation, in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufacturing and agricultural productions cease to bear exportation from the country of this spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities: the next step is a stoppage of specie payment—a total degradation of paper as a currency; unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists."

This (said Mr. B.) is the progress and effect of a depreciated paper currency. The imprudence and the criminality of banks of issue are equally the sources of this depreciation; and the community is equally the victim of their misconduct, whether it results from accident, folly, or design. It is established in England that a sudden increase of one million sterling, by Bank of England issues, will, in many states of the moneyed system, produce a depreciation in the value of money which will be sensibly felt in the kingdom. What, then, is to be the effect of an increase of fifty millions of paper dollars, in two years, in this country? It must be what every person sees and feels it to be—a depreciation of at least one third of the value of paper money! so that all persons living on salaries, fixed incomes, and wages, are in the condition of having suffered a diminution of one third of their income. Living is becoming as dear in our young and prolific America as in the aged and crowded countries of Europe. Let no one delude himself with the belief that there is no depreciation while bank notes continue to be convertible into gold and silver; this would be a great error; for it is of the very nature of depreciating paper to carry down gold and silver with it, until things reach that point when prudent men begin to exact payments in hard money, or, which is the same thing, to carry home in silver at night the amount of every note received during the day. When things have reached that point, and about the time when all prudent men have taken care of themselves, the public mind begins to get uneasy. Some cause, no matter what, starts an alarm; and in a few weeks the explosion is universal. Such was the point to which we were rapidly tending in July last. President Jackson has arrested this depreci-

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ation, and saved the country from a dire calamity. His Treasury order has saved it. It has stopped the issues of a host of banks, and bound up the elements of desolation in their own caverns. The raging winds are now imprisoned: Boreas, Eurus, and Auster, are now confined. The fabulous conception of the father of poets is realized, not upon the ocean of waters, but upon the ocean of paper money. The elements of destruction are tied up; and wo to those who, imitating the rash conduct of the companions of Ulysses, shall untie the fated bag, and turn loose tempests, storms, and desolating fury upon the land.

Mr. B. said it would be unjust, after saying so much of the expansion of the paper currency, and the over-issues of the local banks, not to add, that the picture was not intended to be applicable to the whole of these banks; that he knew of many honorable exceptions, and there might be many more that he did not know of. His means of information were limited to the official returns of the deposite banks, now about ninety in number; and while, of these, he saw many whose paper dollars in circulation, to say nothing of their deposites, were five, ten, fifteen, to one for their specie dollars in their vaults, yet there were others where the proportion was the other way. The Merchants' Bank, Boston, had $284,000 specie, and $256,000 in circulation; the Bank of America, New York, had $1,490,000 in specie, and $572,000 notes out; the Manhattan, in the same place, had $690,000 specie, and $566,000 paper out; the Planters' Bank, Georgia, had $497,000 specie, $361,000 paper; and many others whose issues but slightly exceeded their specie in hand. It was due to these banks, and doubtless to many more, whose returns were not accessible to him, to except them from the censure and the complaint which lies against those whose unjustifiable issues have produced the expansion and depreciation of currency which is now visible to all.

Adverting to President Jackson's great design of increasing the specie in the country, Mr. B. said there was an indissoluble connexion between the state of the specie in a country and its prosperity or distress. They were cause and effect, and rose and fell together. On this point he had a table to produce, which must carry conviction to every mind which was open to the influence of facts and reasons. It was a table which covered the most disastrous and the most prosperous period of our time; and which required but the application of every one's own knowledge of events to lead to just and inevitable conclusions.

Table of import and export of gold and silver coin and bullion from 1821 *to* 1836.

Years.		Imported.	Exported.
2d term of President Monroe.	1821	$8,064,890	$10,478,059
	1822	3,369,846	10,810,180
	1823	5,097,896	6,372,987
	1824	8,379,835	7,014,552
Term of President Adams.	1825	6,150,765	8,797,055
	1826	6,880,960	4,704,533
	1827	8,151,130	8,014,880
	1828	7,489,741	8,243,476
1st term of President Jackson.	1829	7,403,612	4,924,020
	1830	8,155,964	2,178,773
	1831	7,305,945	9,014,931
	1832	5,907,504	5,656,340
2d term of President Jackson.	1833	7,570,368	2,614,952
	1834	17,911,632	1,676,258
	1835	13,131,447	5,748,174
	1836	12,166,372	4,435,815

Here (said Mr. B.) is a period of sixteen years, divided into portions of four years each, by the administrations of different Presidents. The first showed a heavy export of specie, and the loss of near twelve millions of dollars; the second, a loss of about a million and a half; the third, a gain of about six millions; the fourth, a gain of near forty millions, and upwards of that amount, when the produce of our native gold mines were added. These were the results; and, without embarrassing his remarks with complicated details, he would take the periods of strongest contrast—the first and last four years of the sixteen. Every person would recollect the period of 1821,-'22,-'23,-'24. It was the season of bank stoppages; of depreciated paper money; of stop laws, relief laws, tender laws, loan laws, property laws; the season of depressed prices of property and produce, of ruin to debtors, and harvests to money-holders and cautious capitalists. It was the time when a creditor who should receive from his debtor ten dollars in Kentucky paper, and gave five dollars in change, would have received nothing, and the debtor would have paid nothing. It was the time when two bills for the same article were made out in the West: one for silver, and one for paper, the latter being the former multiplied by two. Now, look to the table. This disastrous season will be seen to have been the period of least importation and greatest exportation of specie. Search the memory, and it will inform you that the Bank of the United States, then just recovered from its own crisis of 1819, and just strong enough to do mischief, was employed in eviscerating the whole interior country of its gold and silver, and collecting it on the seaboard, where it was exported to countries unafflicted with the pestilence of paper money. Look to the last period, the present time; and it will be seen that, dating from that era which should become national, and receive perennial honors in anniversary celebrations—the most glorious era of the removal of the deposites--dating from that era, and it will be seen that we have gained near forty millions of specie by importations, and that the gain exceeds forty millions, when the domestic supplies are added. The present period, then, is the season of the greatest increase of specie ever known; and such also is the national prosperity. Never before did the prosperity of any country equal the present time; never was there such exuberance of prosperity; and that, after making due allowance for what is fictitious, from the excess of paper and the effect of a depreciated currency. This excess and depreciation would be fatal, were it not for the seventy-five millions of specie in the country. But these threescore and fifteen millions are the safety of the land. They make the people independent of the banks; they make them independent of panics; they prepare them for the present panic, this starveling concern, now in a course of preparation by the authors of the old one. Thanks to the wisdom, the foresight, the energy, of President Jackson, he has prepared the country for this second panic; he has fortified it, and armed it for the contest. Seventy-five millions of specie puts paper at defiance, and enables the country to stand the shock of the encounter. No longer can banks set themselves up above law and above Government. No longer can they stop payment, and force their dishonored paper upon the country. The bank that would now attempt it would instantly be put to the test of insolvency, and subjected to the law of the land as well as to the law of public opinion. Her dishonored paper would be driven in upon her, and the last hard dollar extracted from her vaults. These being the fruits of President Jackson's great measure for restoring a specie currency, who can justify the opposite course which is now proposed? a course by which specie is to be dispensed with by the Federal Government, paper to take its place, specie again to become an article of mer-

chandise for exportation to foreign countries, and the disastrous scenes of 1821,-'22,-'23,-'24 again realized. The crisis had approached in July; paper was pouring into the Treasury, specie was departing for foreign climes; President Jackson checked the inundation of paper, and he compelled the departing specie to countermarch—to face West instead of East—to our land offices instead of foreign ports; and, in doing this, he has benefited his country, and drawn upon himself the denunciation of those who now attack him.

Mr. B. would conclude his observations on this part of the subject, with calling the attention of the Senate to the public imputation of wicked motives, attributed to President Jackson in the Kentucky speech and Philadelphia letter, from which extracts had been read. Christian charity forbids, and gentlemanly breeding avoids, the gratuitous imputation of malignant motives. There are cases in which delicacy recoils from a public and insulting reference from one man to another. But where was Christian charity, gentlemanly breeding, or delicacy of feeling, when such words as these were used in reference to President Jackson? "I have little doubt that the specie order was the revenge of the President upon Congress for passing the distribution law." Here, said Mr. B., is not only a personal outrage to the President, but an attempt to excite the resentment of Congress against him, and to mark him for the vengeance of all who are disposed to pervert the deposite act into a distribution law; and all this, too, upon the gratuitous imputation of a wicked motive for a measure just, wise, legal, and indispensably necessary within itself! Motives, continued Mr. B., are within the cognizance of the Searcher of all hearts. He can see them as they are; the mortal eye may mistake them. It is good, then, for frail humanity to be slow in charging a bad motive for even a questionable action; he had, therefore refrained from all reference to motives for the design of those coincident and twin productions from which he had made quotations—the Kentucky speech and the Philadelphia letter! He had not said that they were the revenge of disappointed ambition for a lost presidential chair, nor of disappointed avarice for a lost national bank charter. He had not even intimated that the marble palace in Chesnut street, and the shady groves of Ashland, might be conscious to the embraces from which this rescinding resolution has sprung; or that the imperative requisition upon this Congress to command the instant repeal of the Treasury order was founded in any scheme to obtain, from the representatives of the people, a triumph over that man to whom the people themselves have granted so many triumphs over the same pursuers. For himself, he had omitted all such intimations, and should drop all further notice of them now. Leaving, then, the actors and accessories to this proceeding, its origin and their motives, to the phasis under which they themselves have exhibited it, he should join President Jackson in the confident belief expressed by him in the concluding paragraph of that part of his message which relates to the issuance of the Treasury order, "that his country would find, in the motives which had induced it, and in the happy consequences which have ensued, much to commend, and nothing to condemn."

Mr. B. said he had stated in the commencement of his speech that two great objects were to be accomplished by this rescinding resolution: first, the condemnation of President Jackson for a violation of the laws and constitution, and the destruction of the public prosperity; and, secondly, the overthrow of the constitutional currency, and the imposition of the paper money of all the State Governments upon the Federal Government. He had spoken to the first of these objects, and, as he hoped, successfully vindicated the President from all the charges on which it rested; the second object was now to be attended to, and would be discussed with all the brevity and despatch which the magnitude of the subject permitted.

This design (said Mr. B) to overthrow the hard money system of the constitution, and to enthrone the paper money system in its place, is as old as the constitution itself, and has been the leading policy of a great political party, from the foundation of that party, near fifty years ago, and under all its mutations of name, down to the present hour. Gold and silver, though not without a struggle for a national bank and a national paper currency, were made the currency of the Federal Government by the convention which created this Government. So fixed and jealous was the mind of the convention on this point, that even the power of coining gold and silver, which had been left to the States under the articles of confederation, was taken away from them by the new constitution. The members of that great convention were not only fixed upon having gold and silver for the currency of the new Government, but also determined upon its uniformity, so that the same piece should be the same thing in form, name, device, and value, throughout the Union. The exclusion of paper money was as carefully enforced by the constitution as the adoption of gold and silver was sedulously guarded. The words of the constitution, and the history of the times, and especially the forty-fourth number of the Federalist, written by Mr. Madison, all prove this. The early legislation of Congress conformed to the words and spirit of the constitution, and adopted the plainest and strongest language to guard the currency which it had adopted. The two acts fundamental for the collection of the two great branches of the revenue—lands and customs, that of 1789 for the latter, and 1800 for the former—were express that gold and silver coin only should be received for the customs, and specie and evidences of the public debt only for the public lands. These two great acts, being faithful interpreters of the constitution, have never been openly attacked in either House of Congress. In all the changes which subsequent legislation has made in the laws, of which the hard money enactments are part, these clauses have been retained in the same, or equivalent expressions; so that a hard money currency still remains the constitutional and the statutory currency of the Federal Government. Temporary enactments in favor of Treasury notes and United States Bank notes have ceased; and the joint resolution of 1816 neither does nor can repeal a law. Resolutions, whether joint or several, are not the mode of national legislation. They are only declaratory of facts or principles, or expressive of the opinions and purposes of the House or Houses from which they emanate. The joint resolution differs from the single in nothing but in being the declaration, the opinion, or the purpose, of both Houses instead of one. This being the case, and the two fundamental enactments of 1789 and 1800 being still in force, as retained in subsequent alterations of the laws to which they belong, the question is, how comes it they have been treated as dead letters on the statute book, and paper money received in place of the hard money which they imperatively require?

The answer for this question (said Mr. B.) carries us up to the time of General Hamilton, to the first year of his administration of the Treasury Department, and to the foundation of the political school of which he was the head. As the Secretary of the Treasury, it became his duty to carry into effect the act of 1789, for the collection of the custom-house duties in gold and silver coin only. Instead of carrying the law into effect, he nullified it by construction. He interpreted "gold and silver coin only" to be the notes of specie-paying banks; and a deposite of bank notes, as cash, to be a deposite of specie. This was his construction, and the order which he

issued to the collectors of the revenue corresponded with it. At the ensuing session of Congress, he justified this construction in an argumentative report; and a few extracts from this report will show how the plain meaning of a law can be turned upside down by construction, and will reveal the source of the first imposition of paper money upon the Federal Government, and the reasons for that imposition.

"This section [30th of the revenue act of 1789] provides for the receipt of the duties in gold and silver coin only. The Secretary has considered this provision as having for its object the exclusion of payments in the paper emissions of the particular States, and the securing the immediate or ultimate collection of the duties in specie, as intended to prohibit to individuals the right of paying in any thing except gold or silver coin; but not to hinder the Treasury from making such arrangements as its exigencies, the speedy command of the public resources, and the convenience of the community, might dictate; these arrangements being compatible with the eventual receipt of the duties in specie. * * * Such were the reflections of the Secretary with regard to the authority to permit bank notes to be taken in payment of the duties. The expediency of doing it appeared to him to be still less questionable. The extension of their circulation by the measure is calculated to increase both the ability and inclination of the banks to aid the Government. * * * Bank notes being a convenient species of money, whatever increases their circulation increases the quantity of current money. * * * But, convinced as the Secretary is of the usefulness of the regulation, yet, considering the nature of the clause upon which these remarks arise, he thought it his duty to bring the subject under the eye of the House. The measure is understood by all concerned to be temporary. Indeed, whenever a national bank shall be instituted, some new disposition of the thing will be a matter of course."

Such was the argument, and such was the object for departing from the act of 1789, and from the constitution, of which it was the faithful expositor. The effect was the gradual and general diffusion of a paper currency over the country, and a corresponding general and gradual disappearance and banishment of gold and silver; so that when the first national bank charter expired, in 1811, the Federal Government was left without a national currency, having neither the United States Bank notes nor gold, and but little silver in the country. Mr. Madison's administration was then driven to the deplorable necessity of using State bank paper for a national currency; and the result is too well known in the ten years' convulsions of the paper system which ensued. The effect of the whole was the speedy resort to another national bank. This bank came to its conclusion under the administration of President Jackson; and he, avoiding the error into which President Madison's administration had fallen in 1811, resolved to re-establish the constitutional currency, and especially to revive the circulation of gold, which had ceased for more than twenty years. The success of this great plan was truly flattering. The gold currency, in three years, had risen from nothing to about fifteen millions of dollars, and the silver currency had increased in the same brief space from less than thirty millions to about sixty millions, and both against the determined opposition of a powerful political and moneyed party. The success of the experiment was established, and it was clear that the party opposed to gold and silver could no longer effect any thing by direct opposition. A new mode of making head against it was then fallen upon, and that new mode was to expand the paper system until it bursted, and thus to ruin the party in power by ruining the finances and the currency. The general receivability of local paper for public lands, made it easy to inundate the Treasury, through the land offices, with local bank paper; and the spirit of speculation, co-operating with this political design, turned an immense flood of paper upon the national domain. It was easy to see that this mass of paper, though credited to the Government on the books of the deposite banks as specie, was not cash, but only promises to pay cash; and that, in fact, it was destined to become a new and second accumulation of unavailable funds. A crisis in the federal finances was evidently approaching, and there was every reason to believe—the floors of the two Houses of Congress daily attested the fact—that swarms of speculators, loaded with paper money, were to alight upon the public lands immediately after the rise of Congress. It was probable that many tens of millions of paper would thus have been converted into land, and that the banks which issued it, being unable to redeem it, and the deposite banks which had improvidently credited it as cash, being unable to cash it, the whole would have sunk upon the hands of the Federal Government. The evil of such a state of things is too obvious to be depicted. Not only the Federal Government would have lost its land, and lost its revenues, but the whole community would have suffered. But here the energy and foresight of President Jackson was again victorious over the designs of enemies and the imprudence of friends. He determined to arrest the floods of paper which were ready to inundate the Treasury. The specie order was issued, and the country was saved. The wrath which the miscarriage of so many fine schemes occasioned burst forth upon the President's head; the speculator for the loss of his myriad of acres; the politician for the escape of the Government from the danger that mensced it; the local banks for the loss of the national domain to bank upon; and the Bank of the United States for the loss of its anticipated opportunity of proving that a national bank was indispensable to the safe collection of the federal revenues. To make distress in the country, and charge it upon the Treasury order, was now the resort of all the disappointed parties. The Kentucky speech, and the Philadelphia letter, were the signal guns for a new panic; and the old drama of 1833 was immediately put in rehearsal for performance on the Washington boards as soon as Congress met. In every respect this second panic was a servile copy of the former; the same plot, the same scenes, the same incidents, the same performers. No fertility of invention characterized any part of it; no touch of genius enlivened the dull copy with the novelty even of a single new conception or new phrase. Here we have it now, more like a starved wolf at the door, than a roaring lion; and lending its feeble aid to the cause of this rescinding resolution. That resolution is to open the doors of the Treasury again to the inundation of paper money, that the catastrophe averted last summer may be produced next spring; and the question now is, shall Congress give up the public lands to spoil, and the public Treasury to inconvertible paper, after President Jackson has saved the country from both evils? This is the point we are now at; and if any one wishes proof of the design to overthrow the constitutional currency and to impose paper money upon the Government, let him look at the universality of the abuse now lavished upon gold and silver, and the applause bestowed upon paper money, by all that great party now palpably discriminated by the distinctive features of the Hamiltonian school. Here is a specimen, taken from the Philadelphia letter, the force and beauty of which will be fully comprehended by the boatmen of the Mississippi river.

"But this miserable foolery about an exclusive metallic currency is quite as absurd as to discard the steamboats and go back to poling up the Mississippi."

This is the manner in which this great party speak of

the currency of the constitution. "Miserable foolery"—as much behind paper money as a keel is behind a steamboat. But why lose time to prove their hatred of gold and their adoration of paper? They would be ashamed to have it thought otherwise. They take care that nobody shall think otherwise by their ostentatious abuse, in season and out of season, of the gold currency; and by their ostentatious praise, without rhyme or reason, of paper money? It is incontestable, then, that the imposition of the paper system upon the Federal Government is the second great object of this resolution; and that for the avowed reasons mentioned by General Hamilton in his argument of 1790, in favor of substituting paper for gold and silver.

Mr. B. envied not the vocation of any men, or of any party, who employed themselves in the habitual vituperation of any part of the constitution of the country, and especially that part of it which was considered by its framers as among the most important and valuable. Gold and silver is the currency of the constitution. Those who attack that currency attack the constitution, and that in one of its most valuable parts, and the very part which most universally concerns the people. Every citizen is concerned in the currency, and to attack that money which the constitution guaranties, is to attack at once his rights and the sacred instrument by which he holds them. Mr. B. had shown the origin of this war of paper against gold; he had shown it to lie at the origin of the great political parties which, under whatsoever names, have existed for near fifty years in this country; and it was perfectly clear that, from the time of General Hamilton to the present day, a preference of paper to gold and silver has been the distinctive tenet of one party, and constitutes the essential and radical distinction between the two.

Mr. B. said it was incontestable that every nation must have a national currency. It must have such a currency not only in name but in fact; and nothing can answer for a national currency but that which combines two properties: first, uniformity of value all over the country; secondly, convenient portability. Silver possesses one of these qualities, but it lacks the other; gold possesses both, and the constitution of the United States guaranties its use. Gold is then the constitutional national currency of the United States, and Mr. B. held all attempts to substitute paper in its place to be unconstitutional and pernicious. Two national banks had been chartered to furnish a national paper currency; they have both been put down, after twenty years' trial of each, by the power of the people. When the first was put down, a fatal error was committed by those who did it in not restoring gold; and that error was doubled by falling back upon local State paper, and adopting it for the currency of the Federal Government. Profiting by that great error, those who put down the second national bank made it a part of their plan, and the part upon the success of which every thing was to depend, that gold, and not local bank paper, should become the national currency of the Union. This was the plan, and, in pursuance of it, many steps have been taken towards excluding local bank paper from the receipts and expenditures of the Federal Government, and introducing gold in its place. The largest and most essential of these steps was the Treasury order of July last; and now the present movement for the rescision of that order, and for the continuation of local paper in the receipts, and consequently in the expenditures, of the Federal Government, brings up the question, whether gold or local paper is to be made the national currency? It brings up the question, for what the Government receives as cash it must pay out as cash; and what the Government thus receives and pays out becomes the currency of the country also; for the people, single-handed, cannot make head against the action of the Government.

The effect of the present movement, then, is to overturn the plan of those who put down the Bank of the United States; and to substitute for the national gold currency, which they promised the country, the actual paper currencies of all the States and Territories of the Union. This is the effect of the movement; and the question now is, will the Senate put down gold—for gold can never live in such company—and adopt all these currencies? Passing by the constitutional objection, as too obvious to need enforcement, and too often invoked without effect, Mr. B. would endeavor to address himself practically to the sense of the Senate, by showing them the mass of the evil which it was proposed to assume. Here it is, said he, (holding up a copy of Bicknell's Counterfeit Detector.) Here it is; a little volume of 32 pages, the first six containing twelve columns of the names of banks, alphabetically arranged by States and Territories, (Missouri and Arkansas the only names not in the list,) and each column containing about eighty names. The remaining 26 pages are filled with the description of the illegitimate progeny of these banks; that is to say, with a frightful and sickening exhibition of forgeries. Here, then, is near one thousand banks—probably upwards of a thousand by this time—whose promissory notes are to be put on an equal footing with gold and silver at the land offices, custom-houses, and post offices, of the United States; and which, being on an equal footing, will soon have the upper hand, and have all the custom-houses, land offices, and post offices, to themselves; for gold and silver will never go where they go, and will never abide where they sojourn.

We are called upon (said Mr. B.) to adopt this wilderness of banks as furnishers of currency to the Federal Government, to accept their paper promises to pay gold and silver, in lieu of gold and silver; and thus to make them the coiners, not of money, but of paper, for the Federal Government, and to enable them to supersede the constitutional coinage of the United States. He did not enter into the question how far the States, each for itself, might authorize paper currency; that is not the question now, but whether the Federal Government shall adopt as its own all the paper currencies of all the States and Territories? This is what we are called upon to do; and by whom? Certainly there may be some very disinterested and very patriotic men so calling; but, more certainly, there are four deeply interested classes so calling, and visibly seen at the head of the movement. These classes were, 1. The speculators, who want bank loans and bank facilities, to enable them to outbid the settlers, and to monopolize the choicest lands. 2. The local banks, who want the national domain as a capital to bank upon, and to give credit and circulation to their notes in all the new States. 3. Politicians out of power, who foresee, in the reception of this local paper, the ruin of the finances; and in that ruin foresee, also, the downfall of those now in power, and the elevation of themselves. 4. The Bank of the United States, which foresees likewise, in the same ruin, its own resuscitation; and which, pending that event, has gone into abeyance under a State charter, to be ready for the occasion. These were the classes whose clamors against the Treasury order had stunned the public ear; these were the classes who denounced the President; these were the classes who demand the instant rescision of that order. As one of those who had contributed to put down the Bank of the United States, and who had promised a restoration of the gold currency, Mr. B. must be permitted to make head against this movement, which goes to re-establish that bank, and to suppress that golden currency.

Having stated the number of the banks of the United States, he would say a word as to their reputed capitals and circulation. The chartered capital was computed at near one thousand millions of dollars; the paid-up capital

was stated at three hundred and twenty-five millions; the chartered right to issue paper money exceeded one thousand millions; and the actual circulation was computed at one hundred and thirty millions. Now, all the specie in the country is computed at seventy-five millions, and all in the banks at forty-five millions; so that the reputed paid-up capital is four times greater than all the specie in the country, and seven times greater than all the specie the banks possess. Mr. B. did not pretend that the banks should always have all their capital in their hands; but he did insist that it must be in the country, so that, when needed, it could be had. The reputed paid-up capital is not in the country, by a difference of four to one; so that the fact stands revealed that a great proportion of these banks are banking on stock notes and on each other's notes; and the stockholders not being liable, the foundations of a great number of these banks must be unsolid and delusive; entirely unsafe for the community to rely upon; and that it would be a cruel thing for the Federal Government, by increasing their credit, to extend the sphere of their circulation, and to enlarge the vortex of their mischief when the day comes to which all unsolid banks are daily liable.

Mr. B. said that we had borrowed the paper system from England, and from the Adam Smith school, whose work on political economy had appeared about the close of the American Revolution, and created that passion for banking which has since prevailed in Great Britain and our America. He would show that the English representatives of that school are now convinced of their error, and are endeavoring to extricate the country from all banks of issue except that of the Bank of England, for the solvency of which the Government of Great Britain stands security to the whole amount of it capital. Repeating that we had borrowed the paper system from Great Britain, Mr. B. had two remarks to make upon it: first, that banking with us was on a far more unsafe footing than in Great Britain; secondly, that the banks of issue were found to be too unsafe to be longer tolerated there. He proceeded to show the foundations on which he made these assertions, and afterwards to make a practical application of his remarks to the question before the Senate.

First, that banking in the United States was on a more unsafe footing than in Great Britain. There was a fundamental difference, he said, between classes of banks. In Great Britain there were two classes: one of discount, deposite, and exchange; another of circulation. This latter class was the only one existing in the United States, and it was from it that all the public evils of banking flowed. Here, then, was a radical difference between the systems of banking in the two countries; the British system having the two species of banks, and the American system having but one, and that the dangerous one. Confining his remarks, then, to the class common to the two countries, (banks of issue,) he would show that this class is on a far more unsafe footing in the United States than in Great Britain. The Bank of England, he said, was backed by the Government of Great Britain for its debts and capital. The notes of the institution were a legal tender to the Government; and in a Government whose annual taxes are two hundred and fifty millions of dollars, the legal receivability of notes to this amount is a fund for the redemption of more notes than the Bank of England ever had in circulation. Her highest issue, during the suspension of specie payments and issue of one and two-pound notes, was twenty-nine millions and a half pounds sterling, say $146,000,000. Her issues since the resumption of specie payments and suppression of one and two-pound notes, has, in a period of six years, anterior to 1832, ranged from 18,000,000 to £23,000,000 sterling, being about 100,000,000 of dollars. The taxes to the Government, then, would absorb them, though at a loss to all holders who did not owe to the Government the amount of what they held. This was some security for the notes of the bank; but there was another and a greater security, and this lay in the direct responsibility of the Government for the whole amount of the capital of the bank. The capital of that bank consisted of successive loans to the Government, commencing in 1694 in a loan of £1,200,000 sterling, and continued by additional loans, at different periods, until it amounts to £14,686,000, and bearing an interest all the time at three per cent. per annum. This is now the capital of the bank, and the debt of the Government to the bank, and the amount of the Government's direct securityship for the liabilities of the institution. No such Government security as this has existed, or can exist, in our country; and even with it the Bank of England has twice suspended specie payments, and once for twenty years, besides inflicting the ordinary evils of banking upon the Government and the country.

Proceeding to what are called the country banks in England, Mr. B. showed that they were on a safer footing than the local banks of the United States. In the first place, the partners and stockholders were each liable, in his person and property, for the whole amount of the debts of the institution; and this liability continued in the case of joint-stock partnerships until three years after a partner had ceased to belong to the institution, for every thing done while he was a member of it. In the next place, the English banks issue no note under £5, which is both a check upon their circulation, and a diminution of the danger of losses to the community. In England, every note bore a Government stamp, and paid a tax, which was also some restraint on issues. The mode of payment was another, as silver was only a tender to the amount of forty shillings; so that country bank notes could only be paid in gold or bank of England notes, and these latter could only be paid in gold; so that, directly or indirectly, gold was the fund of redemption for the whole English circulation, which was a far greater check upon bank issues than silver. In the last place, forgeries could be punished and restrained in England, and can hardly be punished or restrained in the United States. The extent of our country, and the independence of the States and their judiciaries, interpose effectual barriers against the punishment of forgeries in one State upon the paper of other and distant States. These differences, continued Mr. B., show that banking is on a less dangerous footing in Great Britain than in the United States; and, now, what is the result of experience there? It is fifty years since the Adam Smith school established their perfect idea of a paper system, and brought into general use those banks of issue on which they lavished all the holiday phrases still in vogue in the United States: "Well regulated specie-paying banks—properly constructed specie-paying banks—duly restricted specie-paying banks—safe and solid specie-paying banks." It is fifty years since these phrases ruled the legislation of Great Britain; and what is the lesson which fifty years' experience has taught? Mr. B. would not answer this question from the writings of the anti-paper school, nor even from the bullion school of England; he would answer it from the Adam Smith school itself—from the writings of Mr. McCulloch, professor of political economy in the University of London, and the present head of the Adam Smith school, whose work he has recently edited, with a volume of notes, to show what has happened since the time of Dr. Smith, and what improvements the paper system required in England. Mr. B. read the title of one of his chapters, and some passages from the chapter itself. This is the title or index to the contents of the chapter:

"Quantity of Bank of England paper afloat at different periods; effects produced on the country banks by

a contraction of the issues of the Bank of England; destruction of country bank paper in 1814, 1815, 1816, also in 1825 and 1826; measures proposed in 1826 for improving the state of the currency; remarks on those measures; proposals for taking security from country banks; advantages that would result from carrying this proposal into effect; objections to it examined and answered."

Mr. B. then read some passages from the chapter itself, regretting the necessity which limited him to few and brief extracts:

1. *Panic of* 1793.—"The extended transactions of the country required fresh facilities for carrying them on; and, in consequence, a bank was erected in every market town, and in almost every village. To force their paper into circulation was the object of all. The catastrophe which followed was such as might have been foreseen. The currency having become redundant, the exchanges took an unfavorable turn in the early part of 1792; and the Bank of England having been, in consequence, obliged to narrow her issues, a most violent revulsion took place in the end of that year and beginning of 1793. The failure of one or two great houses excited a panic, which proved fatal to myriads more. When this revulsion began, there were, it is supposed, about 350 country banks in England and Wales; of which about 100 were compelled to stop payment, and upwards of 50 more were totally destroyed, producing by their fall an extent of misery and bankruptcy that had been, until then, unknown in England."

2. *Panic of* 1813.—"Up to 1813 there were banks in almost all parts of England, forcing their paper into circulation at an enormous expense to themselves. The price of corn had risen to an extraordinary height in 1813, and fell in the beginning of 1814. This fall produced a want of confidence, and an alarm among the country bankers and their customers; and such a destruction of country paper took place as has not been paralleled, except only by the revulsion in 1825. By 1816, no fewer than 240 country banks had stopped payments, and 92 commissions of bankruptcy were issued by these establishments. The failures that then occurred were the more distressing as they chiefly affected the industrious and poorer classes, and frequently swallowed up, in an instant, the fruits of a long life of laborious exertion. Thousands upon thousands, who had considered themselves affluent, found they were destitute of all real property, and sunk, as if by enchantment, and without any fault of their own, into the abyss of poverty. The universality of the wretchedness and misery had never been equalled, perhaps, except by the breaking up of the Mississippi scheme in France."

3. *Panic of* 1825.—"Nations are slow and reluctant learners; and it seems as if additional experience had been necessary to convince the Parliament and people of England that there was any thing defective in a system which had, in two previous instances, deluged the country with bankruptcy; and which enables every individual, however poor and unprincipled, who chooses to open a money shop, to issue notes to serve as currency in the ordinary transactions of society! A rise of prices and a rage for speculation took place in 1824–'25. Many of the country bankers seemed to have no other object than to get themselves indebted to the public; and such was the vigor and success of their efforts to get their paper into circulation, that the amount of it afloat in 1825 was estimated to be near fifty per cent. greater than the amount afloat in 1823. The consequence of this extravagant and unprincipled conduct is well known. The currency became redundant, exchange began to decline, and a heavy drain for bullion compelled the Bank of England to lessen her issues. This was the signal for the repetition of the tragedy of 1793, but on a much larger and more magnificent scale, and with more destructive consequences. *Sauve qui peut!* Save himself who can! was the universal cry. And the destruction of country paper was so sudden and excessive that in less than six weeks above 70 banking establishments were swept off."

This (said Mr. B.) is Mr. McCulloch's account of the three per cent. system earthquakes which have taken place since the time of Adam Smith, maugre all his fine phrases about specie-paying banks, and bank notes equivalent to gold, and convertible into gold at the will of the holder. Three times in twenty-five years has the whole blown up! to say nothing of the crisis of 1797, and the numerous small panics and individual explosions which have filled up the intervals between the large ones. The result is a conviction that banks of issue must be suppressed, directly or indirectly, all over England. The mode proposed, is to require security from them in addition to their individual liability, and that not the personal security of men, but the real security of lands mortgaged or Government stock pledged. Here is an extract from McCulloch on this point:

"Whatever bank notes may be in law, they are practically, and in fact, a legal tender. The great mass of the people are totally without the power to refuse them. The currency of many extensive districts consists almost entirely of country notes; and such small farmers, tradesmen, or laborers, as should refuse to take them, would be obliged to migrate elsewhere. There cannot, therefore, as it appears to me, be the shadow of a doubt that this is a case in which Government is imperiously called upon to interfere. We have sustained incomparably more mischief from the issue of spurious paper than from that of base coin; and in order to obviate such mischief in future, and to give that security to the public which is so essential, we have, as was observed before, no alternative, but either to suppress country notes altogether, or to require security from the issuers." * * * "In the case of Bank of England notes, a guarantee is taken by the Government for the notes which the bank issues; and the whole capital of the bank must be lost before the holders of the notes can be sufferers. Why is not the same principle followed with respect to country banks? What objection can there be against requiring of those who take upon themselves the office of furnishing the country with a circulating medium, to deposite with Government an adequate security for the performance of their engagements? In the use of money every one is a trader; those whose habits and pursuits are little suited to explore the mechanism of trade, are obliged to make use of money, and are no way qualified to ascertain the solidity of the different banks whose paper is in circulation; accordingly, we find that men living on limited incomes, women, laborers, and mechanics of all descriptions, are often severe sufferers by the failure of the country banks, which have lately become frequent beyond example. Against this mischief the public should be protected by requiring of every country bank (that is to say, exery bank except the Bank of England, for which the Government is security to the whole amount of its capital) to deposite with Government, or with commissioners appointed for that purpose, funded property, or other Government security, in some proportion to the amount of their issues. No establishment for the issue of notes could then exist, unless it had been set on foot by individuals possessed of adequate capital. And adventurers, speculating on the funds of others, and sharpers, anxious to get themselves indebted to the public, would find that banking was no longer a field on which they could advantageously enter."

Mr. B. would economize time and words, and proceed to the practical application of these extracts from the present head of the paper system school in England.

It is a surrender and proposed suppression of all banks of issue except the Bank of England, for which the British Government is the security and the responsible backer. This is what the original of our paper system, and a far safer system than ours, has come to in England! Given up and proscribed by the school that founded it, and that school more seriously engaged now in putting down their system than they were fifty years ago in founding it. And what is the state of things with us? Not only an appalling extension of the paper system through the annual bank incorporations of nearly thirty Legislatures, State and Territorial, but this attempt now made in the Senate of the United States to compel the adoption of all the State and Territorial paper systems, existing or to exist, by the Federal Government, and thus to make out of this multifarious mass a national paper currency. This is the effect; and, without disturbing the States in the use of this paper themselves, Mr. B. confined himself to the question before the Senate, namely, the adoption of the whole of it for the currency of the Federal Government. To this he had insuperable and inexorable objections, founded, first, upon the constitution of the United States, and, next, upon the unspeakable mischiefs of the scheme. On the constitutional point he would be brief, limiting himself to the words of the instrument, and to Mr. Madison's commentary.

The constitution says: Congress shall have power—

"To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

"To provide for the punishment of counterfeiting the securities and current coin of the United States."

"No State shall coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts."

Mr. Madison, in No. 44 of the Federalist, says:

"The loss which America has sustained since the peace, from the pestilent effects of paper money on the necessary confidence between man and man; on the necessary confidence in the public councils; on the industry and morals of the people, and on the character of republican government, constitutes an enormous debt against the States, chargeable with this unadvised measure, which must long remain unsatisfied; or, rather, an accumulation of guilt, which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice of the power which has been the instrument of it. In addition to these persuasive considerations, it may be observed that the same reasons which show the necessity of denying to the States the power of regulating coin, prove, with equal force, that they ought not to be at liberty to substitute a paper medium in the place of coin. * * * The power to make any thing but gold and silver a tender in payment of debts is withdrawn from the States, on the same principle with that of issuing a paper currency."

Resting the constitutional objection to this adoption of the State paper currencies for the currency of the Federal Government where the constitution and Mr. Madison had put it, and merely referring to the great revenue acts of 1789 and 1800, for the correct exposition of the constitution, in limiting the receipts for the customs and the lands to "gold and silver coin only," and "to specie or evidences of the public debt," Mr. B. would state the heads, and the heads only, of the objections to the expediency of the measure. Premising that what the Government received, as cash, would have to be paid out as cash, and that, if local paper was received at all, it would soon be received totally, and to the exclusion of specie, and that local paper would thus become the actual currency of the Government and the country, until relieved from it by a general explosion, Mr. B. went on to enumerate the practical evils of such an unconstitutional currency.

1. *The destruction of the standard or measure of value.* Paper money neither is, ever was, or ever can be, a standard of value. Its quantity varies at the will of man, or rather at the will of each of the thousand Neptunes who preside over the ocean of paper; and not only at their will, but without their will, in the mere imprudence or folly of those who direct paper issues, and the thousand causes which operate upon the expansion and contraction of banks. The standard, or measure of value, is at this moment materially altered in the United States. This is seen in the increased price of every article which depends for its price upon the domestic market; and it is proved by the stationary or reduced price of every article which depended for its price on foreign markets. Cotton and tobacco were in this latter class, and had not risen, but rather fallen; all articles of home use and consumption were in the former, and all had risen, some one half, some double. The precious metals, from their uniformity of production, difficulty of suddenly and violently changing the quantity and intrinsic value all over the world, can alone make a standard or measure of value. Our constitution has guarantied that standard to us; and it is our sacred duty to preserve it. Mr. B. finished his remarks on this point with a quotation from Mr. McCulloch, preferring his authority to others, because he was of the paper system school, though now limiting his system to the Bank of England only:

"No doubt has ever been insinuated with respect to the expediency of the regulations by which all weights and measures of the same denomination are rendered equal. But money is not a commodity merely; it is also the standard or measure, adopted by society, by which to estimate and compare the value of every thing else that is bought and sold; and if it be, as it most undoubtedly is, the duty of Government to adopt every practicable means for rendering all foot-rules of the same length, and all bushels of the same capacity, it must be still more incumbent upon it to omit nothing to render money, or the measure of value, a measure which is, beyond all question, the most important of any used in society, uniform or steady in its value."

2. *Usury.* This, he said, was a direct effect of paper money. The more banks of issue, the higher the rate of interest. Common bank interest in the United States is seven per cent. or more, which is double the rate of interest in Holland, where there is no paper. But common interest is nothing compared to the usury which ensues great banking, and which becomes enormous when banks, from necessity or mischief, stop discounts, and throw borrowers upon money dealers. Three per cent. discount per month is then the order of things; and this may now be seen in Philadelphia, where the United States Bank, with its thirty-five millions capital, on becoming a State institution, was to fill the State with money, and reduce interest to five per cent. But that bank does lend to some borrowers at five per cent. or less. The correspondence of the commissioners employed in examining the state of the bank, preparatory to the settlement of the value of the United States stock, shows a mass of loans, to the amount of twenty-three millions of dollars, on extended or indefinite time, and at rates from 4½, 5, 5½, to 6 per cent. per annum. No doubt many of the three per cent. per month borrowers get their supplies from a part of these loans.

3. *Panics, convulsions, and stoppages.*—These (said Mr. B.) are inherent in the paper system. They take place in England in defiance of all power in the Government and the banks themselves to keep them down. There, no panics are perpetrated to scourge the country or to overset the Government, save and except the two political ones lately seen—Mr. O'Connor's, and the one during the interregnum of Lord Grey's administra-

tion. But here, panics are the regular work of banks and politicians, and are now looked for whenever an important election is depending, or Congress is to be excited.

4. *The expense of the paper system.*—This was probably greater at present than the expenses of the Federal Government, and the whole a tax upon the productive classes. The number of banks was about one thousand; each bank had its officers, and they their salaries; each had its stockholders, and they their profits. Then came losses for broken banks, counterfeits, and depreciated paper, and changes in the value of property from expansions and contractions of the currency. These expenses and losses were the price paid by the people for a paper currency, when they can get constitutional currency from the mints, without paying salaries, furnishing profits, or sustaining losses, if paper was checked and confined to large notes.

5. *Stock gambling, forgeries, banishment of all gold and silver,* were all great evils inherent in the paper system, and too obvious to need, or even endure, commentary. Mr. B., therefore, barely named them, and left every one's knowledge and memory to do the rest.

Mr. B. approached the conclusion of his remarks on this great subject. It was, indeed, a great subject, involving that momentous question, the national currency. The Treasury order was a measure of regulation upon the State banks, intended to save the finances and the currency, as well as the public lands. The bank of the United States regulated the State banks by the simple process of excluding their paper from the Federal receipts and expenditures; and this was effected by the 24th and 25th articles of the by-laws of the corporation already read. She excluded them to make room for her own notes; and this was the extent of her skill and of her merit in all this boasted regulation of local currencies of which we hear so much. The Federal Government has only to do the same, and the State bank issues are repelled upon their sources, and become comparatively harmless. It is receivability for federal dues; it is receivability at the land offices, custom-houses, and post offices, which gives them wings to fly over the continent, and enables them to pass, without regard to the credit or solvency of the bank from which they come. It is the Federal Government endorsement which does the mischief; and this endorsement, for all the purposes of false credit and want of responsibility, is given to the whole issue of every bank whose paper is made receivable for public dues. The experiment has been tried, and local paper has failed as a national currency, and out of that failure arose the second United States Bank. It will fail again, and again, and forever! There is no safety for the federal revenues but in the total exclusion of local paper, and that from every branch of the revenue—customs, lands, and post office. There is no safety for the national finances but in the constitutional medium of gold and silver. After forty years of wandering in the wilderness of paper money, we have approached the confines of the constitutional medium. Seventy-five millions of specie in the country, with the prospect of annual increase of ten or twelve millions for the next four years, three branch mints to commence next spring, and the complete restoration of the gold currency, announce the success of President Jackson's great measures for the reform of the currency, and vindicate the constitution from the libel of having prescribed an impracticable currency. The success is complete; and there is no way to thwart it, but to put down the Treasury order, and to reopen the public lands to the inundation of paper money. Of this, it is not to be dissembled, there is great danger. Four deeply interested classes are at work to do it—speculators, local banks, United States Bank, and politicians out of power. They may succeed, but he (Mr. B.) would not despair. The darkest hour of night is just before the break of day; and, through the gloom ahead, he saw the bright vision of the constitutional currency erect, radiant, and victorious. Through regulation or explosion success must eventually come. If reform measures go on, gold and silver will be gradually and temperately restored; if reform measures are stopped, then the paper system runs riot, and explodes from its own expansion. Then the Bank of the United States will exult in the catastrophe, and claim its own re-establishment, as the only adequate regulator of the local banks. Then it will be said the specie experiment has failed! But no; the contrary will be known, that the specie experiment has not failed, but it was put down by the voice and power of the interested classes, and must be put up again by the voice and power of the disinterested community.

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Appendix to Mr. BENTON'S *speech on the rescinding resolution, containing proofs of several things stated in the speech.*

I. That the banks themselves, by contractions and expansions of the currency, lead to fluctuations which affect the prices of produce and property, and beget panics.

1. Extract from the testimony of Joseph C. Dyer, Esq., director of the Bank of Manchester, taken before Lord Althorpe's committee:

"*The Bank of England, the cause of fluctuations and panics.*"—"The bank has been the cause of the panics. Their manner of issuing and withdrawing the Bank of England paper produces those continued fluctuations, at short periods, which affect the prices in the market, and thereby affect trade. Those issues, sometimes in a single week, vary three or four millions. The bank may be necessitated to do so, but such a necessity is that of inflicting a great evil on the country. The returns of the weekly issues from the 28th of December, 1819, to the 4th of February, 1826, prove witness's statement.

"The reason why it is necessary to make an alteration in the banking system of Lancashire, is that the circulation by the Bank of England subjects the trade to fluctuations, and exercises a pernicious influence over the destinies of commerce. This expansion and contraction of the circulation induce similar effects to a ruinous extent. All the periods of panic may be attributed to that power exercised in secret, and of which the public can have no knowledge, until it has accomplished its results. It stimulates over-issues in the country, raises and lowers the value of money capriciously, and erects its own security on the insecurity of country bankers. Such a company, possessing such influence so exercised, is a dangerous company; and plans can be devised to procure a better circulation than the present, in which there is neither stability nor steadiness."

2. Extract from the preface to the digest of evidence taken before Lord Althorpe's committee in 1832:

"The records of past history have invariably designated a time of peace as one of prosperity and happiness. But, ever since the last war, the different great interests of this country have been in a continued state of fluctuation between the extremes of prosperity and adversity; though the latter has unfortunately predominated. * * * In the beginning of that year, (1825,) every class of the community was doing well, if not in a state of great prosperity. But a change took place in the currency, by the Bank of England contracting their issues. The general prosperity, without any other visible cause, immediately received a check; and as the bank continued to contract their issues, matters became worse, until they ended in the panic. By this a total derangement of the monetary

system was occasioned, and every class of the community was thrown into a state of embarrassment, the injurious and depressing effects of which continued for some years, and this without any other apparent cause than the monetary derangement which had occurred." * * * "An undue issue of four or five millions by the Bank [of England] would eventually make an extraordinary derangement in the value of all the property in the kingdom, and be productive of infinite mischief in a variety of ways."

3. Further extract from the testimony of J. C. Dyer, Esq.

"I think the banks, so far from having saved the country from the effects of those panics, have been the cause of those panics; and that they have been the cause of a constant succession of little panics, continually annoying the commerce of the country, by monthly and weekly fluctuations."

4. Extract from the testimony of Benjamin J. Smith, Esq., a director of the Bank of Manchester, before Lord Althorpe's committee:

"The supply of the circulation by the Bank of England subjects our trade to great and injurious fluctuations, owing to what is called a scarcity of money, arising from causes of which the public, who are deeply interested in that question, can have no knowledge. The objections to the existing system are, that the Bank of England has a secret and despotic influence and control over the destinies of our commerce, which we feel to be a most pernicious one."

II. No local banks of issue in the great county of Lancashire, including Liverpool and Manchester. Inland bills of exchange used in large dealings; gold in the common transactions.

1. Extract from the evidence of J. C. Dyer, Esq., a director of the Bank of Manchester, before Lord Althorpe's committee:

"The bankers in Manchester who can, do not, issue notes, in consequence of the strong feeling that prevails in Lancashire againt local paper. There were two occasions when that feeling was publicly expressed; first, in 1834, and next when the Bank of Manchester was formed. Bankers who intended to issue notes abandoned their intention, from a conviction that they could not, under any such circumstances, derive any profit from the issue."

2. Extract from Mr. McCulloch's notes on Adam Smith's work:

"The principal distinction between notes and bills of exchange is, that every individual passing a bill of exchange has to endorse it, and by so doing makes himself responsible for its contents. Nothing can be more inaccurate than to represent bank notes and bills of exchange under the same point of view. The note is payable on the instant, without deduction—the bill not until some future period. The note may be passed to another, without incurring any risk or responsibility, while every endorser of the bill makes himself liable for the value of it. Bank notes form the currency of all classes; of those who are not engaged in business, of women, children, laborers, &c., who are all, as we have seen, without the power to refuse them, and without the means of forming any correct conclusion as to the solvency of the issuers. Bills of exchange, on the other hand, pass only, with very few exceptions, between persons engaged in business, and who are fully aware of the risk they run in taking them."

3. Further extract from McCulloch's notes:

"The effects produced by the employment of internal bills of exchange, have not certainly excited that attention, on the part of most of those who have speculated on the subject of currency, that might reasonably have been expected; but this seems to have arisen chiefly from their having been, but very imperfectly aware of the vast magnitude of the transactions settled by their intervention, and of the extent to which they are employed. In the great manufacturing county of Lancashire, and in part of Yorkshire, a bill on London at three months is reckoned a money payment; and by far the largest proportion of the currency consists either of the bills of bankers drawn on their correspondents, or of those of the merchants and dealers scattered up and down the country. The following extracts from the evidence given before the committee of the House of Lords on Scotch and Irish currency, in the session of 1826, show the great extent to which internal bills are now employed. Mr. Gladstone, an eminent merchant of Liverpool, informed the committee that 'we sell our goods, not for payments in cash, such as are usual in other places, but generally at credits from ten days to three months' date; these bills we pay to our bankers, and receive from them bills or cash. We have a considerable portion of large Bank of England notes in circulation; these are generally used for the payment of duties, and also for the purpose of remittance; but the great mass of our circulation is in bills of exchange. Sovereigns and smaller bank notes are only required for such objects as charges of merchandise, with duties, freights, and other items.' Lewis Lloyd, Esq. 'The wages of workmen are paid in gold or Bank of England notes; the manufacturer is chiefly paid in bills of exchange. When a bill is drawn in favor of a manufacturer, he endorses it to the person to whom he pays it, and the person to whom he pays it pays it again to another; and it goes on often till it is covered with endorsements. Mr. Henry Burgess, a manufacturer at Leeds. 'The great mass of the circulating medium of Lancashire, as in all the manufacturing districts in the North, is bills of exchange: a part of the circulation is in gold and silver and Bank of England notes.'"

III. Suppression of all banks of issue in England, except the Bank of England, directly by law, or indirectly, by compelling them to give security for their issues.

1. Extract from Mr. McCulloch's notes on Adam Smith:

"It seems, therefore, to be indispensable, either that the country banks should be compelled, as has been previously proposed, to give full security for their issues, or that their paper should be suppressed altogether, and the paper of the Bank of England substituted in its place. * * * Now, it is obvious, and is indeed universally admitted, that the only measure that can be adopted for guarding completely against the misconduct as well as the bad faith of the country bankers is to compel them to give full security for the payment of their notes. This, and this alone, can afford a sufficient guarantee to the public that the country paper in circulation will be returned when presented for payment, and that it is really equivalent to gold.

"Every country banker, on applying for stamps, should be required and obliged, previously to obtaining them, to lodge in the hands of Government securities, in stocks or landed estates, fully equivalent to the amount of the stamps issued to him."

2. Extract from the testimony of Henry Burgess, Esq., secretary of the committee of country banks, representing seven eighths of the bankers in England, who have resolved to relinquish their circulation rather than give security for it:

"The only strong opinion to which the committee have come is, that if securities for their issues were demanded, they would relinquish their issues altogether. That resolution was imbodied in a petition to Parliament. * * * The chief reason why country bankers

would cease to issue notes, if called upon for securities, is, that it would be giving a preference to one class of creditors over another; besides, giving securities would be locking up their money in the funds, which money would be thus unavailable, and be also placed at risk. * * * So they would prefer to give up their circulation."

IV. Extract from the report of the commissioners appointed on the part of the United States to examine into the debts and affairs of the Bank of the United States, to ascertain the value of the stock, showing above twenty millions of loans at low interest for long terms, or indefinite terms, and explaining the reason why borrowers in Philadelphia are thrown upon brokers at two and three per cent. discount per month.

1. Statement of the debts of the Bank of the United States, &c. on the 3d March, 1836:

	Notes discounted.		
A.	On bank stock	at 6 per cent.	$1,291,915 72
B.	On various stocks and other securities	do.	4,061,553 71
	Loans drawing interest.		
C.	On bank stock	at 5 per cent.	1,294,800 00
D.	On do.	6 do.	466,300 00
E.	On various stocks and other securities	4 do.	250,000 00
F.	do.	4½ do.	652,818 63
G.	do.	5 do.	4,551,865 65
H.	do.	5 do.	1,324,100 00
I.	do.	5 do.	1,000,000 00
K.	do.	5 do.	355,500 00
L.	do.	5½ do.	474,600 00
M.	do.	6 do.	1,296,678 00
N.	do.	6 do.	3,317,605 09
	Total as above		20,337,136 80

The length of time for which some of these loans are made is thus stated in the report:

5 per cent. C, due 24th August, 1837.
6 per cent. D, "when due immaterial."*
4 per cent. E, due 21st November 1840.
4½ per cent. F, due 1st April, 1838.
5 per cent. G, due 15th March, 1838.
5 per cent. H, due 8th October, 1838.
5 per cent. I, due 1st December, 1855.
5 per cent. K, "time of payment indefinite."*
5½ per cent. L, due 12th January, 1838.
6 per cent. M, "when due immaterial."*
6 per cent. N, "when due immaterial."*

2. Statement of loans from the Bank of the United States to Thomas Biddle & Co., in the years 1830, '31, and '32, taken from the report of Mr. Clayton's committee of 1832, and now to be referred, as illustrative of some of the above loans on stocks or personal security:

Year.	Month.	Paper.	Discounter.	Rate.
1830.	Sept. 17	$144,950	$220,000	5 per cent.
	Oct. 15	1,131,672	1,123,100	5 do.
	Nov. 16	737,112	730,000	5 do.
	Dec. 14	737,012	730,000	5 do.
1831.	Jan. 14	722,300	720,000	5 do.
	Feb. 15	540,400	540,400	5 do.
	March 15	400,000	400,000	5 do.
	April 15	480,000	480,000	5 do.
	May 17	443,098	443,138	4½ and 5
	June 14	571,178	557,968	do.
	July 15	501,162	504,912	5 do.
	Aug. 16	573,912	579,912	5 do
	Sept. 16	573,912	683,995	5 and 6
	Oct. 14	580,000	698,727	do.
	Nov. 15	580,000	752,647	do.
	Dec. 16	580,000	689,125	do.
1832.	Jan. 17	580,000	652,388	do.
	Feb. 17	467,766	488,328	5 do.

*These are the words of the bank statement.

3. Further extract from Mr. Clayton's report of 1832, to illustrate the conduct of the Bank of the United States in loaning much to the few, and little to the many, and explanatory of the present condition of the money market in Philadelphia, where small borrowers for short terms pay three per cent. per month discount for money, which may have come from the Bank of the United States to a large borrower on a term of years, or indefinitely, or on immateriality of time:

April, 1832, loan to	72	persons,	$2,404,278
" do	19	do	1,274,882
" do	3	do	341,729
" do	4	do	995,455
" do	1	person,	417,766
Totals,	99	persons,	$5,434,111

Whole amount of loans discounted at the same time, - - - $5,964,085
Of which to 99 persons - - 5,434,111

To all other persons - $529,974

☞These are the loans of the National Bank at Philadelphia, April, 1832.

TUESDAY, DECEMBER, 20.

THE DEPOSITE BANKS.

Mr. WEBSTER offered the following resolutions, and asked the unanimous consent of the Senate to their immediate consideration:

Resolved, That the Secretary of the Treasury communicate to the Senate the latest statement made at or for the Treasury of the condition of the deposite banks; exhibiting, among other particulars, the names and places of all deposite banks appointed since the 23d June last; their capitals, and the amounts of public moneys actually transferred, or ordered to be transferred, to those banks, respectively.

Resolved, That the Secretary of the Treasury communicate to the Senate a detailed statement of all transfers of public moneys ordered since the 23d June last, for the purpose of executing the act of that date for regulating the deposites of the public money; showing the dates and amounts of such transfers; from what place to what place; from what bank to what bank, and the time allowed for such transfers, other than such as were made in execution of the aforesaid act.

Mr. WEBSTER said that the honorable member from Missouri [Mr. BENTON] had, in his speech yesterday, read statements which had been obtained at the Treasury, for the purpose of showing that sundry banks had enlarged their issues since the publication of the Treasury order of the 11th of July. This information (said Mr. WEBSTER) is neither new nor surprising. That fact has been well undestood. But what banks are these which have thus increased their loans? Are they the banks of the country generally, or the banks in the principal commercial cities, or a majority of them? No, sir. The gentleman's statement was confined to the deposite banks, or some of them. All those deposite banks were seventy or eighty perhaps in number, while it has been stated that the whole number of banks in the country is near a thousand. Now, as I understand the subject, one of the strongest grounds of complaint against the order of the 11th of July, and against the manner of executing the deposite law, is, that by those measures many of these deposite banks, in places where the wants of business did not call for more money, have had large and entirely unnecessary sums of money nevertheless thrown into them, drawn from places in which it was wanted, to the great prejudice of other banks, and of the commercial community generally. I understand this to be one of the prominent objections

to the course which the Treasury has pursued. By the provisions of the deposite law, the deposite banks pay interest on sums deposited beyond a certain amount. If they receive money, therefore, beyond such amount, they are naturally tempted to put it out on loans, however little real occasion there may be for such loans; for otherwise the deposite would be a heavy charge to them.

An answer to these resolutions will give us light on this part of the case. It will probably be in the power of the Secretary to answer the first resolution without any delay. I hope we can have the answer to that so soon as to be before us before the conclusion of this debate. Nor do I suppose that any great time will be necessary to prepare an answer to the second resolution.

Mr. WRIGHT inquired of the mover whether the resolution was intended to ask for any more than the last statement rendered at the Treasury.

Mr. WEBSTER replied that he had no wish that the inquiry should go back and call for a voluminous amount of documents; all he wished was the last statement received.

Mr. WRIGHT made no objection; and the resolution was thereupon agreed to.

REDUCTION OF DUTIES.

Mr. NILES observed that, on a former sitting, the Senator from South Carolina [Mr. CALHOUN] had taken the ground that the whole subject of revenue belonged to the Committee on Finance; but if that doctrine was a sound one, the Committee on Manufactures would be left almost without any appropriate duty. He apprehended, however, that the honorable Senator was mistaken in the principle he had laid down. The compromise act recognised the principle that a reduction was to be made on the tariff of duties: the principle existed in the statutes of the country. Whatever committee it might be who should undertake the very difficult and delicate duty of devising the mode and measure of a reduction of the revenue, would find that the chief difficulty in the way was not of a financial character, but had to do with the matter of protection, not of revenue. If the subject of reduction affected very exclusively the great interests of the country, ought it not to be sent to the Committee on Manufactures? In order to test the sense of the Senate, he would make the motion that so much of the President's message as related to the reduction and repeal of duties be referred to the Committee on Manufactures.

Mr. CALHOUN observed that the question was not open to a motion; the reference had been made. If the gentleman wished to move a reconsideration, he could not do so unless he had voted in the affirmative.

Mr. NILES had supposed it in order to refer the same subject to two different committees, who might view it under different aspects. However, to avoid difficulty, he would confine his motion to so much of the message as related to the repeal of duties only.

Mr. CALHOUN said that this was included in his motion as much as the other. Whatever went to reduce the revenue he meant to refer to the Committee on Finance, as appropriately belonging to that committee. And he must be permitted to say that no committee in that body could represent more fully all the great interests concerned in such a subject. The chairman was connected extensively with one branch of Manufactures; the Senator from New York with another; and the Senator from Louisiana represented the great sugar interest of the South; while he from Missouri represented that of lead. As to the difficulty of the task, none could be more sensible of it than himself; none had felt it more deeply. The reduction, thus far, had been effected only by exertions such as he should be sorry to repeat.

On motion of Mr. EWING, the subject was then laid on the table.

TREASURY CIRCULAR.

The Senate proceeded to the further consideration of the joint resolution introduced by Mr. EWING, of Ohio, rescinding the Treasury order of July 11, 1836, and prohibiting the Secretary of the Treasury from delegating the power to designate the kind of funds to be received in payment for the public lands.

Mr. CRITTENDEN, who had the floor, having moved the adjournment yesterday, yielded it to

Mr. BENTON, who read several extracts, to which he had referred in his speech of yesterday. Having concluded, he restored the floor to

Mr. CRITTENDEN. The opening of Mr. C's speech was in so low a tone as to be totally inaudible to our reporter. As soon as he was distinctly heard, he was observing that the Senate had been complained of by the Senator from Missouri, not only for having been tardy in its appropriations of money for the public service, at its last session, but for not having appropriated enough. The Senate had voted appropriations to the amount of thirty-eight millions, but this was complained of as scanty measure, and the Chamber had been gravely rebuked for not having done much more. Now, Mr. C. was very ready to take his share, and the share of any other gentleman who was tired of it, in the reproofs of the honorable Senator for an open opposition to a portion of this appropriation, and he should have considered himself fortunate had he and his friends been so far successful as to have defeated them. So far from regretting or being ashamed of the opposition he had made to this lavish expenditure of money, he took it to himself as a merit; so that, if the design of the honorable Senator, in his exhortation and reproof, had been to excite repentance, the homily had entirely failed.

But the more immediate subject before the Senate was the Treasury order, which it was proposed by his friend from Ohio to rescind, and to this he should endeavor to confine himself. The subject had been debated by the Senator from Missouri with all that zeal and ability which usually characterized the efforts of that gentleman. Nor had Mr. C. any difficulty in readily excusing even a more than ordinary measure of zeal in that Senator on this occasion; for he thought, from a variety of facts, pregnant with circumstantial evidence, that he could very clearly see the true and genuine paternity of the order in question. He could not but believe that its descent from the honorable Senator might be as correctly traced as could be done in any other case of genealogy.

On the 22d of April last, the honorable Senator had submitted a resolution that from and after the —— day of ——— nothing but gold and silver should be received in payment for the public lands; and that the appropriate committee should report a bill to that effect. The subject was resumed on the following day, and by a vote of the Senate was laid upon the table. In that inglorious repose it had remained by general consent. It was permitted to sleep in silence, which amounted to the most unequivocal condemnation of the measure. This body then did condemn, as far as it could in such a mode, the very thing contained in this Treasury order; the author of the resolution being among the few, the very few, advocates who voted in its favor. But no sooner had Congress adjourned, than, on the 11th of July, the very measure, in regard to which the Senate had expressed its most decided opinion in the negative, was wrought up into the form of a Treasury order, surrounded, indeed, and embellished with sundry arguments directed against land speculators, and in favor of occupants or squatters. The very proposition which was rejected by Congress in April was enforced as a Treasury order in

July. Who could have any difficulty in tracing the origin of the order to the rejected resolution? No sooner had the Senate condemned and rejected it, than it was instantly taken up in an executive department, and made to possess as complete effect as if the same thing had been done by the very law which the Senate refused to enact. Mr. C. would not, on this occasion, allude to another exertion of executive authority, the circumstances of which very strikingly resembled the present case; when Congress, just before its adjournment, had declared the public money to be safe in the keeping of the Bank of the United States, but had no sooner adjourned than that very money was seized upon by the executive authority, and transferred to the deposite banks. In both cases the executive authority had been made to supply the place of the legislative. The eloquent Senator from Missouri had, in one clause of his speech, invoked the genius of the constitution. Now, supposing that genius would come at the gentleman's bidding, would it pronounce a proceeding like this to be in conformity with that instrument? Were not the members of that and of the other House competent to decide on questions of the currency?—questions which deeply affected all their constituents, far and wide. Did it not belong to Congress to settle such questions? And did not the duty of the Executive consist in carrying into effect that which Congress in its wisdom might ordain? But here that which Congress disapproved and refused to enact is immediately carried into effect by the Executive, without any other legislative authority or sanction than the profound opinions of the Senator from Missouri. Mr. C. objected not only to the measure itself, but to the time and manner of its enforcement. Even were the thing itself not in violation of law and the constitution, still the time and the manner in which it was done were derogatory to the dignity, judgment, and authority of Congress. What was the time which had intervened between the rejection of the resolution and the enactment of the order? It was the brief space between the close of April and the 11th of July. What great change had occurred within that time to justify such a measure? Mr. C. would, therefore, be in favor of rescinding the order, were it on no other ground than that of vindicating the Senate from the disrespect that seemed to him to have been offered to it by that proceeding.

But there were other more decided objections to a measure of this character, two of which he would distinctly specify. The first was, that it made an unlawful discrimination between different classes of American citizens; and, secondly, it made an equally unjust discrimination between debtors for the public lands and all other debtors to the Government. First, it made a personal distinction between citizens of the United States; gold and silver was demanded of all purchasers of the public domain, unless they were actual settlers of the land they wished to purchase, or *bona fide* residents of the State within which the lands lay. Here was a personal distinction, grounded merely on place of residence. A particular species of currency was exacted from the one class, while another less valued species was accepted from the other class. Could this be done? Was it consistent with equity? With equal rights of American citizens? The public domain was the common property of the whole people; and how did the resident of Illinois, or Ohio, or of Indiana, become possessed of higher rights in the purchase of it than you or I? Why was he entitled to easement in the manner of making his payments? Where was the law or the constitution giving him such a right? Where could it be found? Nowhere.

But it had been said that the discrimination was the same which had been made by various acts of Congress in favor of actual settlers; and Mr. C. would not contest that fact. But suppose it to be conceded that Congress did possess the right, and considered it good policy to make a discrimination in favor of settlers, by yielding them a priority in the purchase of the tracts they had cultivated, how far would this go in advancing the gentleman's conclusion? Because Congress had power to do this, did it follow that the Executive had power to do it? Who ever heard of the Executive setting up a claim of authority to fix the price of the public lands, or, what was equivalent, to determine in what species of currency the land should be paid for? In what sense could this be regarded as an executive power? It was his place to execute the laws, but it belonged to Congress to judge what the laws should be.

Mr. C. said it had been argued that the laws authorized the receivers at the land offices to receive nothing but gold and silver, and that this order only carried the law into effect. Such an argument did, indeed, admit the authority of the law; but how did it bear upon the order? If the law required payment in gold and silver for the public land, how could it be dispensed with, as it was, by the order, in regard to citizens residing within the States wherein the land lay? There was no dispensing power confided to the Executive to set aside the law, and no discretionary authority to make a difference between citizens equal before the law. The public lands were common property, which all had a right to buy on the equal terms prescribed by law, and the Secretary of the Treasury had no more right to assign different modes of payment to different classes of citizens, than he had to give more lands to one, and less to another, for the same money. In this view the order was altogether illegal.

But again: On what principle of justice was one class of debtors required to pay their debts in gold and silver, and another class in what was deemed by the Government less valuable? With accuracy enough for the purposes of the present argument, the revenue may be stated at forty millions of dollars; one half paid in the West, for the purchase of public lands; the other half in the East, for duties and imposts. What right had the Executive to declare that the Western half should be exacted in gold and silver, but that the Eastern half might be paid in bank paper? The arbitrary inequality and injustice of such a regulation would be clear to every understanding. Mr. C. could not be content under a discrimination so invidious and offensive. What must be the effect upon the West of continuing such an order in force? The money was collected by the land offices, and thence poured into the banks, but it was not expended in the West. The great objects of public expenditure, as every one knew, were on the Atlantic seaboard. It was there that the colossal palaces, under the name of custom-houses, were to be found. It was there that fortifications reared their formidable front, and bristled from point to point along the whole coast. It was there that all the great expenditures for the navy were to be made. If the money derived from the sale of the public lands were to be applied to the ordinary expenditures of the Government, then this mass of specie which was collected in the West was to be transported from year to year to the Atlantic States; and it could not be otherwise. The millions derived from the sale of the public lands could not be expended in the West, and therefore there would be a perpetual drain of specie out of the Western into the Eastern States. The people of the West could not be insensible to these results, or otherwise than justly indignant at a measure marked with invidious distinctions, which permitted their Eastern brethren to pay their debts to Government in the ordinary medium of business, but compelled them to pay in gold and silver.

When the knowledge of this order first reached the place of Mr. C's residence, the objections which he had stated had suggested themselves to his mind on the first

perusal, but he had at that time no apprehension that the effects to be produced on the currency and business of the country were likely to be so extensive. If, as it appeared, the object of the order was the accumulation of specie in the banks, he doubted not that there would be a thousand ways devised to evade and defeat it. He thought that the same thousand dollars, by being made to travel backward and forward between the bank and the land office, might be made to purchase land enough to satisfy the desires of any number of buyers. Mr. C. spoke on this subject from information and conjecture, having had no personal experience. He had never attended a land sale in his life, and knew nothing of the arts employed; but it was reasonable to suppose that men who were much engaged in business of this kind would become expert in availing themselves of every advantage in conducting it. But he had also thought that, on this side of the mountains, it would be easier to evade the order than on the other; for there was a proviso which admitted a certificate of deposite in the Treasury to be received in the place of cash. This, he supposed, would obviate the transportation of specie to the West, and would require it only to be carried to Washington, in which there would be no great difficulty; but he had since understood that a mode had been devised still more convenient: the intended purchasers would obtain drafts on the Bank of the Metropolis. They would present these drafts at the counter, and the question was asked, do you want hard money? Yes, I want to buy land. The matter was easily managed. A certain amount of silver was put into a little keg, and this was put into a wheel-barrow and carried across the street to the Treasury, where the requisite certificate was granted of so much money deposited in the Treasury. The keg was then wheeled back to the bank, and this had been repeated until it became a matter of open ridicule among the subalterns of the Treasury. This little barrel had been rolled backward and forward from the bank to the Treasury and from the Treasury to the bank, a distance of not more than fifty yards, until, according to a calculation which had been made, it had travelled about 1,100 miles; and this was the boasted metallic circulation. This process did but exemplify, to a considerable extent, the operation of this Treasury order over the whole country. But, allowing for all these evasions, this order undoubtedly has and must continue to occasion large sums of gold and silver to be temporarily withdrawn from general circulation, and paid into the land offices. From these offices it is transferred to the deposite banks--is there subjected to the ordinary banking uses and purposes, and serves to strengthen and fatten these corporations, to the prejudice of the general circulation, and of those banks from which that gold and silver has been withdrawn. To compensate for these evils, and this derangement of the currency, what adequate good has been or can be produced by this order? I cannot perceive it--it appears visionary to me to suppose that it will add a single dollar to the amount of the specie of the United States.

But, sir, the direct operation of this order has not, probably, been more injurious, or perhaps so much so, as its indirect consequences in producing distrust and alarm. When the Treasury raises its mighty arm, the banks are shaken far and wide. The sudden call for gold and silver, made by this order, aided by some other causes, rendered the banks, to some extent, uneasy, and created apprehensions in the minds of the holders of their notes. The consequence was that these holders pressed the banks for payment; the banks pressed their debtors, and withheld their customary accommodations; and thus, sir, derangement and pressure were more severely and widely extended. Such, I know, has been the case in Kentucky to a considerable extent.

The Senator from Missouri had exhibited a table, the results of which he had pressed with a very triumphant air. Was it extraordinary that the deposite banks should be strengthened? The effect of the order went directly to sustain them. But it was at the expense of all the other banks of the country. Under this order all the specie was collected and carried into their vaults, an operation which went to disturb and embarrass the general circulation of the country, and to produce that pecuniary difficulty which was felt in all quarters of the Union. Mr. C. did not profess to be competent to judge how far the whole of this distress was attributable to the operation of the Treasury order, but of this at least he was very sure, through a great part of the Western country it was universally attributed to that cause. The Senator from Missouri supposed that the order had produced no part of this pressure. If not, he would ask what it had produced? Had it increased the specie in the country? Had it increased the specie in actual and general circulation? If it had done no evil, what good had it done? This, he believed, was as yet undiscovered. So far as it had operated at all, it had been to derange the state of the currency, and to give it a direction inverse to the course of business. The honorable Senator, however, could not see how moving money across a street could operate to affect the currency; and seemed to suppose that moving money from west to east, or from east to west, would have as little effect. Money, however, if left to itself, would always move according to the ordinary course of business transactions. This course might indeed be disturbed for a time, but it would be like forcing the needle away from the pole; you might turn it round and round as often as you pleased, but, left to itself, it would still settle at the north. Our great commercial cities were the natural repositories where money centred and settled. There it was wanted, and it was more valuable if left there than if carried into the interior. Any intelligent business man in the West would rather have money paid him for a debt in New York than at his own door. It was worth more to him. If, then, specie was forced, by Treasury tactics, to take a direction contrary to the natural course of business, and to move from east to west, the operation would be beneficial to none, injurious to all. It was not in the power of Government to keep it in a false direction or position. Specie was in exile whenever it was forced out of that place where business called for it. Such an operation did no real good. It was a forced movement, and was soon overcome by the natural course of things.

Mr. C. was well aware that men might be deluded and mystified on this subject, and that, while the delusion lasted, this Treasury order might be held up before the eyes of men as a splendid arrangement in finance; but it was only like the natural rainbow, which owed its very existence to the mist in which it had its being. The moment the atmosphere was clear, its bright colors vanished from the view. So it would be with this matter. The specie of the country must resume its natural course. Man might as well escape from the physical necessities of their nature, as from the laws which governed the movements of finance: and the man who professed to reverse or dispense with the one was no greater quack than he who made the same professions with regard to the other.

But it was said to be the distribution bill which had done all the mischief; and Mr. C. was ready to admit that the manner in which the Government had attempted to carry that law into effect might in part have furnished the basis for such a supposition. He had no doubt that the pecuniary evils of the country had been aggravated by the manner in which this had been done. On this subject, however, he confessed himself to be but a

learner. He had no doubt that the Government might so have distributed the money as to avoid all injurious consequences, and might have so managed the operation that the transmission of these funds, instead of occasioning injury or inconvenience, might rather have increased the prosperity of the country, by falling in with the natural and legitimate course of business. But this had been passed by, and the Government had proceeded, like a porter or drayman, to carry the public money from one quarter of the country to the other. Thus, millions of specie had been carried from New York to Kentucky; but the people of Kentucky would have preferred that it should have remained in New York, for there they might have disposed of it at a premium of one or two per cent. This would have fallen in with the course of business, and have been beneficial to the country. But, as it was, the effect was the reverse.

But, sir, according to the honorable Senator from Missouri, all the evil which was not the effect of the distribution law was the effect of a panic, "a little starveling panic, no bigger than a church mouse;" a panic which was now over; which, contemptible as it was, had enjoyed the distinguished honor of dying by the hand of that Senator, and meeting its end, like Cæsar, in the Capitol. And was this all the comfort which the gentleman had to give under the pressures and distresses of the commercial interest? Mr. C. did not presume to set himself up as a competent judge of mercantile affairs. There were other gentlemen on that floor who far better understood the interest of that meritorious class of our fellow-citizens, and who would speak on the subject in due time. But if there was any truth in the representations universally given, there was an extreme pressure now felt in all our great cities, from Boston to New Orleans, the effect of which was rapidly spreading through the interior. What was the cause of this embarrassment? The gentleman said it was this little panic. Well, but what was the cause of the panic? Who made it? What caused it? Was it not the Treasury order? The Senator loved the order well, but not the panic; and all the remedy he could propose was to tell the sufferer it is but a panic, a contemptible little panic, a petty starveling panic; the country is sound, the country is safe. Sir, of what invaluable use has been that little word? It has furnished its full contribution to the beauty and the force of many a ponderous and patriotic argument of the Senator from Missouri. It has given point to many a sentence; it has helped to round off many a sonorous period. He has wielded it like some well-tried and favorite weapon, and has displayed great skill in its use. It seems there have been three great panics, which the gentleman has noted like so many eras of the plague. Whatever may be the national misfortune, and how loudly soever it may call for a remedy, when legislative wisdom can furnish none other, it is a sufficient remedy to cry panic! panic! Sir, it is a senatorial specific, a ready panacea for all the evils of the body politic. Yes, sir, this is all. Your statesmanship goes no farther. Tell the people it is a panic, and let them understand that all the enemies of General Jackson's administration have united by common consent to get it up and keep it up. A legislator will thus feel that he has fully discharged his duty to the country and to his constituents when he has duly vociferated panic! panic! Two per cent. a month is given for money, and it is all panic, panic.

A justification for this illegal Treasury order is further attempted by telling us that there are in the country one thousand banks, and that it is the design of this resolution to fasten on the country an odious paper system, and to pay for the public domain in the rotten and worthless notes of one thousand banks. To this the honorable Senator is opposed. So are we all. But he seems to think that all are not opposed to it; and he has traced down, from the days of Hamilton, the existence of a great and formidable party which hates gold and silver; and if I correctly understand how I must take my place in this division of parties, I must be one of those who hate gold and silver. Now, permit me to assure the honorable Senator that I partake at least so much of mortal mould as that gold and silver coin are not among the objects of my antipathy. These "rascal counters" do not indeed engross my affections, but they are very far from being odious to me. No very serious defence or reply, however, would seem to be necessary to the strange and exaggerated accusation of hating gold and silver. If, as I suppose, the honorable gentleman intended to apply that accusation to his political opponents here, I would suggest to him that he would probably do them no disservice if he would please to make good his charge by convincing the public that they have no love for these precious metals. It would certainly place them in striking contrast with the party of the honorable Senator; and what he imputes as a crime might possibly be regarded as a recommendation. The love of gold and silver has so much prevailed as the vice of political parties, and been the cause of so much abuse and corruption in Governments, that probably the people of the United States might be tempted to make the experiment of administering their Government by a new set of agents or rulers taken from this newly discovered sect of money-hating politicians—the first party of that description, I think, which has yet appeared in the world. But, sir, however this may eventuate, I ought perhaps to admit, whatever be its merit or demerit, that the party of the honorable Senator do love gold and silver better than their opponents. That party has been long blessed with opportunities of manifesting this attachment, and it has not neglected them. Its long and strict monopoly of the public Treasury, with all its shining heaps, and the manner in which it has used that monopoly, sufficiently attest its affection for the precious metals. Indulgence, too, may have increased this passion; for it is exactly one of those cases where "increase of appetite doth grow by that it feeds on."

On the other hand, sir, the opponents of this party have been so long excluded from all these opportunities and indulgences, that they are supposed, it seems, to have lost the natural taste, and, as if in mockery, are denounced as "haters of gold and silver." I know of no better grounds on which the honorable Senator can rest his accusation, nor does any reply occur to me better suited to its ludicrous gravity.

But now, sir, seeing that the honorable Senator is of that party which loves so well the constitutional currency, let me ask him what his love will prompt him to do? This Treasury order, it seems, is not the ultimate scope and aim of his attempts. What is it he would wish for? Is it to destroy all banks? Is it to annihilate the entire paper system, and give us in place of it showers of gold and showers of silver? Why, sir, if the fiat of that gentleman could annihilate at a blow all the bank notes in the country, does he really believe that the business of this community could be carried on without them? Sir, to attempt to transact the affairs of the American community by a medium of gold and silver coin, would be little better than going back to the old Spartan expedient of bars of iron.

But from what does the Senator infer that the party to which he is opposed hate, or at least are opposed to, gold and silver? Is the party which advocated the Bank of the United States the party which is in love with the paper system? That is his argument. But what was one of the chief grounds on which they advocated that bank? Was it not that its influence went to maintain a solid currency, convertible into gold and

silver? Was it not that, by means of its central situation and extensive control, it would check excesses of local banks? So far from being opposed to gold and silver, it was the object of that party to keep up a circulation both of hard money and good paper, and secure to the country the advantages of both. And now, can we advance an argument in this House on the subject of the currency, without coming under some reproach about the Bank of the United States? You have put down that institution, which actually accomplished all that this order professes to aim at, and now just what we predicted is daily coming to pass. State banks are springing up like mushrooms in all parts of the country, and that under the patronage of the Government, and according to its earnest wishes. And these constitute a part of the thousand banks which figure so largely in the speech of the honorable Senator. Is not this the very effect which we told you would follow the destruction of the Bank of the United States? If you are flooded with banks, and the paper of some of them is of doubtful credit, is it the fault of those who did their best to preserve that which would have kept down these spurious issues? What can be more unjust than to charge us with loving this state of things? But is it not even ludicrous to contrast what has actually happened with the predictions of the party opposed to us, and to which the Senator belongs? They told us that the State banks would give us a better currency. The executive messages, year after year, gave us the most solemn assurances that the State banks would fully supply the place of the Bank of the United States; that no distress would be the result, but that we should have a better currency. Behold the consummation of these prophecies. Do not the prophets stand in a position perfectly ludicrous? Are the notes of these thousand banks a better currency than the notes of the Bank of the United States? If they are, then why not receive them for the public lands? Did any man doubt the solvency of the Bank of the United States, or the goodness of its notes? You destroyed that bank. Your better currency is come in the place of it; we bring it to your own doors, and you spurn it. We offer it to you, and you reply, "What! convert the public lands into reams of spoiled and speckled paper, called money?" Thus scorned, thus hooted at, is that very currency which you told us was to be better than the notes of the United States Bank; and because we prophesied such a currency, and labored to prevent its coming upon the country, we are now to be called haters of gold and silver!

We too, sir, are opposed to converting the public lands into worthless bank notes. But we supposed that, dubious as the credit of many of these banks is justly considered, some of them are good, and that the notes of these should be received from the people, without running into the sudden and inconvenient extreme of rejecting every thing but gold and silver; a measure the more harsh in its operation and character, because of its being the unexpected act of an administration that, up to that very instant, had encouraged the circulation of these bank notes, by proclaiming it to be a "better currency" than that which had been furnished by the Bank of the United States.

But the Senator tells us that the object of this resolution is twofold. Its prime object is to disgrace General Jackson, and the second, which is little inferior in importance, is to overthrow the national currency. These are the two revolutionary consequences which the Senator supposes to be aimed at by my friend from Ohio. For myself, I can with great truth say that I am actuated in this matter only by my view of the good or bad policy of the Treasury order, disconnected entirely from all personal feeling toward General Jackson. I have no more personal feeling against him on this subject than I have against you, sir. Would you consider it an impeachment on your integrity for a gentleman to differ from you as to the policy of a political measure? Surely not. Why, then, should the Senator suppose that a motion to rescind this Treasury order must be intended to dishonor General Jackson? Sir, I object wholly to this introduction of presidential influence into debate on this floor. Is it becoming in us to say one to another, you must do this or that, lest the President should feel himself degraded? Is this a fit weapon to be wielded in this House? The Senator from Missouri, from the intimacy he is supposed to enjoy with the President, may be considered as speaking with authority on such a subject. But may I, who am in some degree excluded from the presidential smiles, attempt to carry a measure through the Senate by threatening the presidential frown? May every little whipster wield this weapon over our heads? What is to be the influence of such threats? What is to be the end of such a system? What must its end be but to resolve all legislation into the will and wish of the Executive? The scope of such an argument would leave this Senate little more than a tame registry of presidential edicts. The Government may retain the shadowy forms of republican freedom, but it will become in fact a stern, substantial monarchy. The phrase "degrade the President" is to be used as so many cabalistic words: the moment they are uttered the Senate is to be silenced. The President thinks a certain measure right, therefore we must think it right. I read that Philip of Macedon had but one eye, and he covered the place of the other with a patch. His influence in Greece, which had long been increasing, at length reached that point that to court his favor the Grecian Senators appeared in their places with a patch over the left eye. [A laugh.] So I suppose it is to be with us. If the President on any occasion happens to do wrong, we are not to think or to speak on the subject, and must prefer to do injustice to ourselves, rather than run the risk of degrading the President.

I suppose I am to understand the Senator from Missouri, when he speaks of the "constitutional currency," to mean a currency of gold and silver. But the constitution says nothing on the matter, save that the States shall pass no law making any thing but gold and silver a legal tender. That is all it contains on the subject. But I will here tell that gentleman that I do to a great extent, agree with him in the picture he has drawn of a degraded paper currency, and I will very gladly contribute my mite to correct so great an evil. But I fear it is beyond our reach. The banks of which he complains hold their existence under State authority, and all our arguments amount to nothing more than mere idle speculation. You have no bank. You rejected that you had, and refused to make another. Is this Treasury order the mode in which you would correct the evils of excessive banking? Would you disorder and derange the whole currency of the country, in order that the banks may explode? For all the evils of the existing system that gentleman and his party are fully chargeable. They put down that institution which would have prevented the whole. They did it with the consequences plainly before their eyes—clearly shown, and distinctly foretold. They persevered, and those consequences have now come. From that act have grown up all these evils—evils which the Senator paints in glowing colors, but evils from all which I look forward in trembling hope to an ultimate deliverance. I entertain as great an apprehension of the danger of these thousand banks as he does; but it is a danger which the Treasury order will not remove. I am opposed to that measure, because it is not a competent remedy. Instead of mitigating, it aggravates the evil; and I therefore hope the resolution before us will receive the sanction of this body.

The gentleman is full of thanks to the President of the United States. Well, sir, I really have no idea that the President had in this matter any view or purpose hostile to the best interests of this country. I can readily imagine that his objects and his motives were of the most beneficent character. But, sir, where is the great occasion for this outpouring, this outbreaking of gratitude; so earnest, so sublime, that it approaches to adulation, nay, to positive adoration? I hope I am not insensible to the obligations of gratitude; but I have no idea that we are forever to be looking up to the President as a sort of demi-god, who has showered down benefits upon us notwithstanding our ill deserts—benefits entirely supererogatory, and such as we had no right to expect or hope for. No, sir, I am willing to treat the President with due respect, and to acknowledge all his good deeds in such a manner as becomes an American citizen; further than this I am not disposed to og.

The Senator, (said Mr. C.,) in the peroration of his eloquent harangue, transported by the fervor of his victorious argument, regretted that there was not more talent and genius on the other side, over which he might prosecute still further conquests. He seems to lack something. Like the victorious Saracen, who carried the true faith through the world on the point of his sword, or like Alexander, who called for more worlds to conquer, the honorable Senator, after having exulted in triumph over all that had been brought against him, calls out for more talent and more genius over which to pursue his conquering course. It is not, probably, in my power, sir, to contribute what is thus called for to swell the gentleman's triumph; nor is it for me, sir, longer to keep the field when such champions are engaged.

When Mr. CRITTENDEN had concluded, and taken his seat,

Mr. BENTON explained that his remarks on the want of talent, argument, &c., were not intended to apply to the actors in the Senate, but to those out of it who, he supposed, had prepared the subject.

The question being announced from the Chair as being on ordering the resolution to a second reading,

Mr. EWING called for the yeas and nays on this question; which were accordingly ordered.

On motion of Mr. WEBSTER,

The Senate then adjourned.

WEDNESDAY, DECEMBER 21.

Mr. RUGGLES presented the credentials of the Hon. JUDAH DANA, elected a Senator from the State of Maine, to supply the vacancy occasioned by the resignation of the Hon. ETHER SHEPLEY; after which, the oath to support the constitution of the United States was administered to Mr. DANA by the Vice President, and he took his seat.

PUBLIC DEPOSITES.

Mr. CALHOUN, agreeably to notice, asked and obtained leave to introduce the following bill:

A bill to extend the provisions of certain sections therein named of the act of the 23d June, 1836, regulating the deposites of the money that may be in the Treasury on the 1st January, 1838.

Be it enacted, &c., That the money which shall be in the Treasury of the United States on the 1st day of January, 1838, reserving the sum of five millions of dollars, shall be deposited with the several States, on the terms and according to the provisions of the 13th, 14th, and 15th sections of the act to regulate the deposites of the public money, approved the 23d day of June, 1836.

Mr. C., in introducing the bill, observed that he had not asked leave to introduce this bill without satisfying himself that there would be a large surplus of the public revenue remaining in the Treasury at the termination of the next year, after allowing for very liberal appropriations on all proper subjects of expenditure. From the calculations he had made, he was convinced that the amount of this surplus would not fall short of eight millions of dollars.

He was fully aware that the Secretary of the Treasury, in the report submitted by that officer to Congress, had taken a very different view; yet Mr. C. thought he hazarded little when he said that on this subject the Secretary was certainly mistaken. He knew, indeed, that formerly such an assertion from a member of Congress, in relation to the highest fiscal officer of the Government, would have been deemed adventurous; but so vague, so uncertain, so conjectural, and so very erroneous, had been the report from that Department for two or three years last past, that he could not be considered as risking much in taking such a position. That in this remark he did no injustice to the Secretary of the Treasury, (toward whom he cherished no personal hostility or unkind feeling whatsoever,) he would take the liberty of presenting to the Senate the estimates made by that officer for the present year, in December last, and comparing with it the actual result, as now ascertained from the Secretary's own report, made the present season. His estimate of the receipts from all sources, including the public lands and every other branch of the revenue, amounted to $19,750,000, whereas the report stated those receipts to have amounted to $47,691,898; presenting a difference in the estimate, for a single year, of $27,941,898. Thus the excess of the actual receipts had exceeded the estimate by more than one third of the whole amount of the estimate. Each of the great branches of the revenue, the customs and the public lands, exceeded the estimate by millions of dollars.

Again: the Secretary had estimated the balance at the end of the year, then within four weeks of its termination, at $18,047,598, whereas the report showed that the balance actually amounted to $26,749,803, being an error of $8,702,250 for that short period. How these errors arose, whether from negligence or inattention, or whether they were made purposely to subserve certain political views, it was not for him to say; but they were sufficient to show that he ran no very formidable hazard in venturing to say that the views of the Secretary in respect to what was yet future might be erroneous.

But further: the Secretary, in his report last year, had estimated the available means of the Treasury for the current year at $37,797,598; they were now ascertained to have been $74,441,701, exhibiting the small error of $46,644,104. We might search the fiscal records of all civilized nations, and would not find in the compass of history an error so monstrous. He stated this with no feelings of ill will toward the Secretary, but with emotions of shame and mortification for the honor of the country. How must errors like these appear in the eyes of foreign nations? How would they look to posterity?

But he was not yet done. The Secretary estimates the expenditures of the year at $23,103,444, whereas they turned out to be $31,435,032, making a difference of $8,331,588. He estimates the balance in the Treasury at the end of this year at $14,500,000. He now admits that it will equal $43,005,669, making an error of $28,505,669, and this notwithstanding he had made an under-estimate of the expenditure of more than eight millions, which, if added, as it ought to be, would make a mistake of nearly thirty-seven millions.

The Secretary, however, had profited by the errors of last year. The estimates in the present report were somewhat nearer to the truth, but were still far removed from it. And, indeed, so small was the amount in which he had profited, that he had risked an opinion that the expenditure would exceed the income, so that, of the

sum which had been deposited with the States, a portion, amounting to between two and three millions, would have to be refunded. The Secretary held out language of this kind, when he acknowledged that the income of the year would be $24,000,000. Mr. C. said he would be glad to see the administration, with such an income, venture to call upon the States to pay back the moneys they had received. No administration would venture the call, except in the case of a foreign war, in which case these deposites would prove a timely and precious resource. With proper management, they would enable the Government to avoid the necessity, at the commencement of a war, of resorting to war taxes and loans. All those gentlemen, and he saw several of them around him, who were here at the commencement of the last war, would well remember the difficulty and embarrassment which attended the operation of raising the revenue from a peace to a war establishment.

Assuming, then, that there would be a surplus, the question presented itself as to what should be done with it. That question Mr. C. would not now attempt to argue. The discussion of it at this time would be premature and out of place. He proposed to himself a more limited object, which was to state the points connected with this subject, which he considered as established; and to point out what was the real issue at present. One point was perfectly established by the proceedings of the last session—that, when there was an unavoidable surplus, it ought not to be left in the Treasury, or in the deposite banks, but should be deposited with the States. It was not only the most safe, but the most just, that the States should have the use of the money in preference to the banks. This, in fact, was the great and leading principle which lay at the foundation of the act of last session—an act that would forever distinguish the 24th Congress—an act which will go down with honor to posterity, as it had obtained the almost unanimous approbation of the present day. The passage had inspired the country with new hopes. It had been beheld abroad as a matter of wonder, a phenomenon in the fiscal world, such as could have sprung out of no institutions but ours, and which went in a powerful and impressive manner to illustrate the genius of our Government.

He considered it not less fully established that there ought to be no surplus, if it could be avoided. The money belonged to those who made it, and Government had no right to exact it unless necessary. What, then, was the true question at issue? It was this: Can you reduce the revenue to the wants of the people?—he meant in a large political sense. Could the reduction be made without an injury that would more than countervail the benefit? The President thought it could be done; and Mr. C. hoped he was correct in that opinion. If it be practicable, then, beyond all question, it was the proper and natural course to be adopted. It was under this impression that he had moved to refer this part of the President's message to the Committee on Finance. He not only considered that as the appropriate committee, but there were other reasons that governed him in making the reference. A majority of that committee were known to be hostile to the deposite bill, and would, therefore, do all in their power to avoid the possibility of having a surplus. If, then, that committee could not effect a reduction, then it might be safely assumed as impracticable. If they could agree on a reduction, the Senate no doubt would readily concur with them.

There was one point on which the committee need have no apprehension: that any reduction they might propose to make would be considered by the South as a breach of the compromise act. Her interest in that act is not against the reduction, but the increase of duties. If it be the pleasure of other sections to reduce, she will certainly not complain.

Mr. C. said he would take this occasion to define with exactness the position he occupied in regard to the compromise. He stood, personally, without pledge or plighted faith, as far as that act was concerned. He clearly foresaw, at the time that bill passed, that there would be a surplus of revenue in the Treasury. He knew that result to be unavoidable, unless by a reduction so sudden as to overthrow our manufacturing establishments—a catastrophe which he sincerely desired to avoid. Whatever might be thought to the contrary, he had always been the friend of those establishments. He thought at the time that the reduction provided for in the bill had not been made to take place as fast as it might have been. But the terms of the bill formed the only ground on which the opposing interests could agree; and he, as representing in part one of the Southern States, had accepted it, believing it, on the whole, to be the best arrangement which could be effected; yet he saw (it did not, indeed, require much of a prophetic spirit) that there were those who were then ready to collect the tariff at the point of the bayonet, rather than yield an inch, who, when the injurious effects of the surplus should be felt, would throw the responsibility on those who supported the bill. Seeing this, Mr. C. had determined that it should not be thrown upon him. He had, therefore, risen in his place, and, after calling on the stenographers to note his words, he had declared that he voted for that bill in the same manner, and no other, that he did for all other bills, and that he held himself no further personally pledged in its passage than in any other. Mr. C. was therefore at perfect liberty to select his position, which he would now state. We of the South had derived incalculable advantage from that act; and, as one belonging to that section, he claimed all those advantages to the very last letter. That act had reduced the income of the Government greatly. Few, he believed, were fully aware of the extent to which it had operated. It was a fact, which the documents would show, that the act of 1828 arrested at the custom-house one half in value of the amount of the imports. The imports at that time, deducting reshipments, were about sixty-five millions of dollars in value, out of which the Government collected about thirty-two millions in the gross. The imports of the last year, deducting reshipments, amounted to $120,000,000, which, if the tariff of 1828 had not been reduced, would have given an increase of $60,000,000, instead of something upwards of $21,000,000. He claimed not the whole difference for the compromise, but upwards of $20,000,000 may be fairly carried to its credit. Under this great reduction, we of the South began to revive. Our business began to thrive and to look up. But the compromise act had not yet fully discharged its functions. Its operation would continue until the revenue should be brought down till no duty should exceed 20 per cent. *ad valorem*, and the revenue be reduced to the actual wants of the Government. But, while he claimed for the South all these very important advantages, Mr. C. trusted he was too honest, as well as too proud, while he claimed those benefits on her part, to withhold whatever advantage the North may derive from the compromise. His position, then, on the question of reduction, was to follow, and not to lead; and such he believed to be the true position of the South. If it be the wish of other sections to reduce, she will cheerfully follow; but I trust she will be the last to disturb the present state of things.

Having thus clearly defined his own position, Mr. C. said he would venture a suggestion. If the manufacturing interests would listen to the voice of one who had never been their enemy, he would venture to advise them to a course which he should consider as wise on all sides.

It is well known, said Mr. C., that the compromise act

makes a very great and sudden reduction in the years '41 and '42. He doubted the wisdom of this provision at the time; but those who represented the manufacturing interest thought it was safer and better to reduce more slowly at first and more rapidly at the termination of the term, in order to avoid the possibility of a shock at the commencement of the term. He thought experience had clearly shown that there could be no hazard in accelerating the rate of reduction now, in order to avoid the great and rapid descent of '41 and '42; and in this view it seemed to him that it would be wise to distribute the remaining reduction equally on the six remaining years of the act. It was, however, but a suggestion.

Mr. C. observed that, had not this been the short session of Congress, he should have postponed the introduction of the present bill, and awaited the action of the Committee on Finance. But it was possible that committee might find it impracticable to reduce the revenue, and as there were but about two months of the session left, if something were not effected in the mean time, a large surplus might be left in the Treasury, or rather in the deposite banks—left there to disturb and disorder the currency of the country; to cherish and foster a spirit of wild and boundless speculation, and to be wielded for electioneering purposes. A standing surplus in the deposite banks was almost universally condemned. The President himself had announced it in his message, and Mr. C. heartily agreed with him in every word he had said on that subject.

Before sending the bill to the Chair, he would take the liberty of expressing his hope that the subject would be discussed in the same spirit of moderation as had characterized the debates upon it last year. It was a noble example, and he hoped it would be followed. Let the subject be argued on great public grounds, and let all party spirit be sacrificed on this great question to the good of the country. Yet, he would say to the friends of the administration, that it was not from any fear, on party ground, that he uttered this sentiment; for he believed there was no subject which, in the hands of a skilful opposition, would be more fatal to power.

The bill was, by consent, read twice; when Mr. CALHOUN moved that it be made the order of the day for Monday next. He saw no necessity for its commitment.

Mr. CLAY was extremely unwilling to interrupt for a moment (and he would only interrupt for a moment) the progress of the debate expected to proceed to day. But, from the numerous indications which had been given of a purpose to disturb the compromise act, and from the direct allusion to the subject which had just been made, he felt himself called upon to say one word. Considering the circumstances under which that act passed, the manner through this body, the acclamation with which it ran through the House, the cordial reception with which it was greeted by every part and every interest in the country, he did not think that it ought to be lightly touched. In faith of adherence to the provisions of that act, large investments have been made, and under its beneficent operation every interest has prospered, the manufacturing not less than other great interests. The whole country has looked to the inviolability of the act: the messages of the President; the reports from the Secretary of the Treasury; the declarations of members of Congress, upon this floor and that of the other House, all heretofore have united in stamping upon it that character. Strictly speaking, he was aware that Congress possessed the power to repeal or modify the act; but in his opinion it could not be done, without something like a violation of the public faith. He had foreseen, at the period of the passage of the act, the probability of a large surplus beyond the wants of the Government, economically administered, and he had endeavored, simultaneously with the passage of the act, to provide for it by the introduction of the land bill. That bill had passed Congress, but unfortunately had encountered the veto of the President. If that bill had received his sanction, there would have been no surplus at the last session, none now, probably none hereafter, to divide and distract us; for it was from the proceeds of the public lands that the surplus arose. If the land bill which passed at the last session of the Senate had become a law, it would have distributed among the several States a larger sum than will be deposited in their treasuries under the deposite act.

Mr. C. said that he well knew that the preservation of the compromise act did not depend upon him. He well knew that its fate was in the hands of a majority of the Senate, as now constituted, and a majority of the House; and if they chose to repeal it, or to make any essential alteration in the measure of protection secured by that act, he could only deeply regret the reopening of wounds which had been so happily healed. He could co-operate in no such object, but should, for himself, steadily oppose any material change of the provisions of the act, and insist upon that efficacious and complete remedy for a surplus which is to be found in the land bill, or upon some other competent remedy, which would not unsettle all the great business of the country.

Mr. WALKER moved that the bill be referred to the Committee on Finance; and, in supporting his motion, observed that he had been one of those who voted against what was now openly avowed to be a distribution bill. Since the money had been distributed, some of the largest States had already come forward and applied to Congress for the repeal of that section of the bill which provided for the refunding of the money by the States, when it should be needed by the General Government. He would remind the Senate that the distinguished gentleman from Massachusetts, [Mr. WEBSTER,] who had been one of the authors and advocates of this measure, did expressly tell the Senate that it would be but a single operation; and when the Senate were warned that that bill would be only a precedent for the distribution policy in future, the distinguished Senator had assured them of the contrary, and had insisted that it was a single and solitary measure, intended only to meet a contingency. Yet, what was the Senate now asked to do? To create a surplus for the purpose of future distribution. Mr. W. really thought that such a proposition demanded examination by some committee, and he hoped that the Senate would not consent to take a leap in the dark. The honorable gentleman from South Carolina had presented, as one ground of his opposition to letting the public money remain in the deposite banks, a desire to prevent the public land from passing into the hands of speculators. But the gentleman's remedy had not met the evil. The distribution bill had not prevented the monopoly of the public lands by speculators, nor would it ever prevent it. If the gentleman did really desire to obviate that evil, let him join in recommending that part of the President's message which proposed to limit the sale of the public lands to actual settlers. Should this recommendation be adopted, there would remain no surplus to be distributed. For how was the surplus created? By referring to the report of the Secretary of the Treasury, it would be found that, in the first three quarters of the last year, twenty millions of dollars had been paid into the Treasury for the public lands, which was at the rate of about twenty-five millions a year. Yet, what portion of this amount was needed for actual settlers? Not more than $5,000,000; or, according to an estimate made by the chairman of the Committee on Public Lands, not over $8,000,000. Thus there would be a reduction in the receipt of $16,000,000, being double the amount of the surplus predicted by the hon-

orable gentleman from South Carolina. Let him, then, adopt the President's recommendation, and the evil apprehended could not take place. But should the Senate pass the bill which had now been introduced, they would have passed the Rubicon, and the distribution policy would, in spite of all opposition, become the settled policy of the Government.

Mr. W. called upon the Senate and upon the country to remark that they were now invoked by the gentleman from South Carolina to create a surplus for the purpose of distribution.

Mr. CALHOUN, in reply, complained of having been entirely misstated by the Senator from Mississippi. He had not invoked the Senate to any such act, nor had he said any thing like it. But he had said that no administration could honestly plead any necessity for demanding back the deposites from the States, unless in the contingency of a foreign war. So far from having expressed a desire to create and distribute a surplus, he had, on the contrary, expressly declared that he should greatly prefer a reduction of the revenue, if it could be safely effected; and he had expressed his willingness to send the bill to a committee opposed to his own views, that, if possible, this might be effected. Yet the gentleman accused him of a design to create a surplus.

The gentleman had again said that one of the arguments urged by him in favor of the distribution bill had been, that the deposite of the public money in banks was a great instrument of fraud and speculation. This was a great mistake. He had said no such thing. The President, however, had undertaken to legislate on the subject, and had issued an order, which was much more like an act of Congress than an executive measure. The President deemed the evil so great, and the remedy so specific, that he had ventured on a great stretch of power to realize the object. Now, after what the President had said on this subject, any man who should vote to leave the public money in deposite banks stood openly convicted of being in favor of speculators.

Mr. C. hoped the Senator would not persist in his motion to refer the bill to a committee which he knew to be utterly opposed to it. Nothing could be more unparliamentary. He hoped the gentleman would at least indulge him with a special committee.

Mr. BUCHANAN, without expressing any opinion on the merits of the bill, was in favor of its commitment. The subject extended itself into so many ramifications, was so complex and so extensive, that no leading measure ought to be adopted in relation to it without its previously undergoing the careful investigation of a committee. There were two counter projects now before the Senate, which were essentially incompatible with each other. One had been reported by the Senator from Kentucky, [Mr. CLAY,] which proposed to distribute the proceeds of the public lands among the States on certain conditions; the other to deposite the surplus that might accrue, under the provisions of the bill of the last session. Both these plans, it was obvious, could not prevail; while the President had recommended the sale of the public domain to actual settlers only. On this matter Mr. B. expressed no opinion, but should be guided in a great measure by the wishes and opinions of gentlemen coming from the new States.

Should the President's recommendation be adopted, there would probably be no surplus. He should like to see a responsible report from the Committee on Finance. On the question whether there would or would not be a surplus on the 1st of January next he expressed no opinion.

While up, he would add one word on the subject of what was commonly called the compromise act. Never should he forget the impression made upon his own mind when the news of the passage of that act first reached him. He had then been in a foreign country. The enemies of liberty throughout the world were all looking to this country with anxious eyes, and with hopes highly raised, that this last experiment in favor of human freedom would prove to be a failure. The most exaggerated accounts of the division of opinion in this country, on the subject of the tariff, were spread throughout Europe, and the expectation appeared to be general that our Union would be dissolved, and the republic expire. In such circumstances, when he heard that a compromise had been effected, his bosom had been pervaded by a feeling such as he had never known before. Without being acquainted with the particulars of the bill, he was prepared to approve of it in advance. On further examination, however, he could not say whether he should have supported the bill or not, but the country had received it; the great manufacturing and agricultural interests had welcomed it, and to this moment relied upon it as, in some sense, the charter of their hopes. Other prevailing interests of the country shared in the feeling, and never would Mr. B. give his vote in favor of touching one of its provisions. That could not be done without extensively and injuriously affecting, not only the agricultural and manufacturing, but another great interest of his own State. He referred to the mining interest. On the whole, he hoped that they should have a report from a committee; and should it even be adverse to the bill, yet, such were the well-known zeal, perseverance, and talents, of the honorable gentleman from South Carolina, that he would still find ways and means to bring the merits of his project fully before the minds of the Senate.

Mr. WALKER said that the Senator from South Carolina had appealed to him to indulge him with a special committee. But that gentleman would do well to remember that, when on a former occasion he (Mr. W.) had introduced a bill of great importance to Mississippi, and asked its reference to a select committee, that gentleman had opposed the motion, and had sent the bill to the Committee on Public Lands, which he well knew to be opposed to every one of its provisions. In insisting, therefore, on his original motion to refer this bill to the Committee on Finance, he had only followed an example which the gentleman had set him.

Mr. W. then went into some explanations to show that he had not misunderstood or misrepresented the objects of the Senator from South Carolina. If that gentleman should oppose the President's recommendation in regard to selling the public lands to actual settlers only, it would, in effect, be equivalent to voting to create a surplus. Mr. W. said he had no wish to alarm the manufacturing interest, toward which he entertained no hostility; but he would now tell that interest throughout this country, that if they wished to preserve the compromise bill, the mode was to prevent an exorbitant sale of the public lands. If this were permitted to continue, a surplus revenue could not be prevented without touching the compromise bill. Mr. W. had, on the last session, offered a resolution calling on the Secretary of the Treasury to ascertain and report to Congress what reduction in the tariff and in the price of the public lands would be necessary to bring down the revenue to the wants of the Government, but in such a manner as not to infringe on the compromise. The Senator from Massachusetts [Mr. WEBSTER] had moved to lay that resolution on the table; not because he was particularly hostile to it, but because he wished to press some other subject which was before the Senate; and afterward there had been no opportunity to call it up. Mr. W. should not now depart from the spirit of that resolution. He had no wish to violate the compromise, but desired that the reduction should be in conformity with the 6th section of that bill, (which he read.)

The Senate had been told by the gentleman from Kentucky [Mr. CLAY] that the faith of the nation stood pledged to preserve that bill inviolate. But that bill declared, in the most express terms, that the reduction of the revenue was not to be made by depositing it with the States—that was no feature of the compromise—but by a reduction of duties. He had ascertained that the reduction which his plan would effect would amount to three millions of dollars. Deduct this from the eight millions derived from the sale of public lands to actual settlers, and it would leave five millions of dollars, being just the amount which the Senator from South Carolina had thought it was proper to retain as an unexpended balance in the Treasury. Mr. W. insisted on his motion for referring the bill to the Committee on Finance.

Mr. CALHOUN rejoined and explained, with a view to show that the case of which the gentleman from Mississippi complained was not parallel to the present, and still insisted on the propriety of allowing him a special committee. If, however, the Senate should resolve to send this bill to the Committee on Finance, he should not be at a loss to understand the movement. He had read the President's message attentively. It was an extraordinary document. He had read with no less care the report of the Secretary of the Treasury: that, too, was an extraordinary document. The perusal had suggested some suspicions to his mind; and should the present bill be sent to the Finance Committee, those suspicions would be fully confirmed. Such a measure would go far to convince him that the policy of the administration was agreed upon, and that it would be to make a demonstration on a reduction of the revenue, but, in fact, to leave that revenue in the deposite banks. The end of this session was not far off, and that would tell whether he were not correct in his opinion. He would now, in his turn, venture to become a prophet, and he would predict that, if the present motion succeeded, that very thing which the President in his message had most decidedly condemned would be the thing actually realized. Notwithstanding the President's opposition to the collecting of the surplus revenue, and all he had said on its tendency to promote speculation and corrupt the public morals, that was the thing which would be done. He was sorry he did not see the Senator from New York [Mr. WRIGHT] in his place. On that gentleman, peculiarly, lies the obligation to provide for the reduction of the revenue. Mr. C. well knew the difficulty of touching this subject. He had himself had a full and sound trial of that operation. He knew the efforts by which the existing reduction had been effected, and he felt very sure that the Senator from New York could not be sanguine in the expectation of effecting a reduction to any great amount. He had heard much said in private on that subject, and he could not but regret that the President, when alluding to it in his message, had not referred to the difficulties attending it. Mr. C. thought he saw how things were to go, and he thus openly announced what his conviction was. He believed nothing would be done to reduce the revenue; that the money would still be collected, and would be left, not where it ought to be found, in the treasuries of the States, but in the deposite banks.

If the Finance Committee would report an adequate reduction of the revenue, Mr. C. would consent to withdraw his bill. He should infinitely prefer a reduction to a distribution, provided the thing could be done. In the meanwhile the South claimed the execution of the compromise bill; it had not only closed a long and painful controversy, but had enabled them to make some feeble stand against the progress of executive influence. He concluded by moving for a special committee.

Mr. RIVES was in favor of referring the bill to the Committee on Finance, but as the Senator from South Carolina considered the denial of a special committee as involving some want of courtesy, he would state the considerations which led him to the conclusion that that would be the proper committee. The Senator himself had said, but yesterday, that the Committee on Finance was the committee to whom the entire subject of the reduction of the revenue specially belonged. The Senator had entered into a calculation to show that there would be a surplus in the Treasury at the commencement of the year, and on this he grounded his bill. The question, therefore, at the root of the whole matter was, whether there would be such a surplus. This was a question which obviously pertained to the Finance Committee. The gentleman, relieving himself from every thing like a pledge to abide by the provisons of the compromise act, expressed his strong preference of a reduction of the revenue to its distribution; but the question whether it could safely be reduced certainly was a question coming within the range of the appropriate duties of that committee. Mr. R. reverted to the history of the deposite bill, and expressed his satisfaction at the reflection that he had rendered it his hearty support. He did not now recede, in the slightest degree, from the ground he had then occupied. But the Senate was now in a different position; they were at the opening of a new session of Congress, and were enabled, from all the lights of past experience, to look ahead with something like certainty. If they foresaw the probability of a surplus of revenue, they were bound to guard against it by attempting a reduction. That, beyond question, was the true policy. Mr. R. adverted to the prophecy by Mr. C. that the policy of the administration was to be a false and deceitful demonstration on reduction, while none was to be made, and the money was to remain in the deposite banks. [Mr. CALHOUN shook his head at the words "false and deceitful."] Well, a demonstration, at all events, was to be made, and all that had been said by the President in his message against surplus revenue would turn out a delusion. [Mr. C. assented.] Yet the gentleman had, no longer ago than yesterday, expressed the highest satisfaction with the Finance Committee, and been lavish of his compliments on the gentlemen composing it, when the object was to refer this very measure of reduction to that committee. Did the gentleman mean nothing more than a demonstration? Had he not been in earnest? He hoped the gentleman had no such policy, nor could he suppose him to have.

Mr. CALHOUN repelled the charge of inconsistency. He had been in favor of sending the subject of a reduction of the revenue to the Committee on Finance, because he considered the subject as appropriate to their specific duties; but he was opposed to sending this bill to that committee, because they were known to be adverse to its object. In one case, he had gone on the great parliamentary principle that propositions were to be referred to committees favorable to the object proposed; and in the other case, he still had sent it to a committee at least not unfavorable to the measure. He was rejoiced to hear the honorable Senator from Virginia declare so explicitly that he did not repent the course he had taken in reference to the compromise bill; he was confident the gentleman never would have reason to repent the able and honorable course he had pursued on that memorable occasion; and he trusted the gentleman would agree in sentiment with those who were opposed to leaving the public money in the deposite banks. Mr. C. had given many evidences of his desire that a reduction should be made in the revenue; and had, on a former occasion, sent a bill to the Committee on Manufactures for that object, which afterwards had passed the Senate almost unanimously, and had been sent to the other House, after which it was never again heard of. He

was not the man, however, to disturb the terms of the compromise, which had so happily been effected, unless it should be done by common consent. The South were prepared to assent to such a step, and if the North would also agree to it, there need be no difficulty in the case. The gentleman from Virginia seemed to suppose that, because it was the duty of the Finance Committee to consider the question whether there was likely to be a surplus revenue or not, therefore this bill ought to be sent to them. The argument was too wide: on the same principle, every proposition which related to the application of any portion of the public resources must be sent to that committee. It would swallow up almost all the business of the Senate. He concluded by demanding the yeas and nays on the question of commitment.

Mr. RIVES briefly rejoined. As the Senator from South Carolina was only conditionally in favor of the proposition in the bill, in the event that there would be a surplus, and that the revenue could not be reduced; and as the question whether it could be reduced belonged confessedly to the Committee on Finance, it involved no violation of the parliamentary principle to which the Senator had alluded, to send this bill to that committee. Mr. R. hoped he should not be understood as wishing wantonly to interfere with the provisions of the compromise bill; he was far from desiring any such thing. He held the compromise in great respect, as having effected a great national good in the settlement of an agitating and alarming question. But he was free to say that, if any mode could be devised of bringing down the revenue to the wants of the Government, without interfering with the enactments of that bill, he should be opposed to disturbing them in any way. But it was a fundamental duty of legislation to dispense with all unnecessary taxes, and reduce the burdens of the people as far as the necessities of Government would permit. If this could not be done without touching some parts of the compromise bill, it must be touched; but if it could, then that bill, in all its provisions, ought to be sacredly maintained.

The question of referring the bill to the Committee on Finance was taken by yeas and nays, and resulted as follows:

YEAS—Messrs. Brown, Buchanan, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Niles, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall—22.

NAYS—Messrs. Bayard, Benton, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Moore, Morris, Nicholas, Prentiss, Robbins, Southard, Swift, Tipton, Tomlinson, Webster, White, Wright—22.

The yeas and nays being equal, the Chair voted in the affirmative.

So the bill was referred to the Committee on Finance.

TREASURY CIRCULAR.

The Senate proceeded to the further consideration of Mr. EWING's joint resolution, rescinding the Treasury order of July 11th, 1836, and prohibiting the Secretary of the Treasury to delegate the power to specify the kind of funds to be received in payment for the public lands. The question being on ordering the resolution to a second reading,

Mr. WEBSTER rose and addressed the Senate as follows:

Mr. President: the power of disposing of this important subject is in the hands of gentlemen, both here and elsewhere, who are not likely to be influenced by any opinions of mine. I have no motive, therefore, for addressing the Senate, but to discharge a public duty, and to fulfil the expectations of those who look to me for opposition, whether availing or unavailing, to whatever I believe to be illegal or injurious to the public interests. In both these respects, the Treasury order of the 11th of July appears to me objectionable. I think it not warranted by law, and I think it also practically prejudicial. I think it has contributed not a little to the pecuniary difficulties under which the whole country has been, and still is, laboring; and that its direct effect on one particular part of the country is still more decidedly and severely unfavorable.

The Treasury order, or Treasury circular, of the 11th of July last, is addressed by the Secretary to the receivers of public money, and to the deposite banks. It instructs these receivers and these banks, after the 15th day of August then next, to receive in payment of the public lands nothing except what is directed by existing laws, viz: gold and silver, and, in the proper cases, Virginia land scrip; provided that till the 15th of December then next, the same indulgence heretofore extended, as to the kind of money received, may be continued, for any quantity of land not exceeding 320 acres, to each purchaser who is an actual settler or *bona fide* resident in the State where the sales are made.

The exception in favor of Virginia scrip is founded on a particular act of Congress, and makes no part of the general question. It is not necessary, therefore, to refer farther to that exception. The substance of the general instructions is, that nothing but gold and silver shall be received in payment for public lands; provided, however, that actual settlers and *bona fide* residents in the States where the sales are made, may purchase in quantities not exceeding 320 acres each, and be allowed to pay as heretofore. But this provision was limited to the 15th day of December, which has now passed; so that, by virtue of this order, gold and silver are now required of all purchasers and for all quantities.

I am very glad that a resolution to rescind this order has been thus early introduced; and I am glad, too, since the resolution is to be opposed, that opposition comes early, in a bold, unequivocal, and decided form. The order, it seems, is to be defended as being both legal and useful. Let its defence, then, be made.

The honorable member from Missouri [Mr. BENTON] objects even to giving the resolution to rescind a second reading. He avails himself of his right, though it be not according to general practice, to arrest the progress of the measure at its first stage. This, at least, is open, bold, and manly warfare.

The honorable member, in his elaborate speech, founds his opposition to this resolution, and his support of the Treasury order, on those general principles respecting currency which he is known to entertain, and which he has maintained for many years. His opinions some of us regard as altogether ultra and impracticable; looking to a state of things not desirable in itself, even if it were practicable; and, if it were desirable, as being far beyond the power of this Government to bring about.

The honorable member has manifested much perseverance and abundant labor, most undoubtedly, in support of his opinions; he is understood, also to have had countenance from high places; and what new hopes of success the present moment holds out to him, I am not able to judge, but we shall probably soon see. It is precisely on these general and long-known opinions that he rests his support of the Treasury order. A question, therefore, is at once raised between the gentleman's principles and opinions on the subject of the currency, and the principles and opinions which have generally prevailed in the country, and which are, and have been, entirely opposite to his. That question is now about to be put to the vote of the Senate. In the progress and by the termination of this discussion, we shall learn whether the gentleman's sentiments are or are not to prevail, so far, at least, as the Senate is concerned. The

country will rejoice, I am sure, to see some declaration of the opinions of Congress on a subject about which so much has been said, and which is so well calculated, by its perpetual agitation, to disquiet and disturb the confidence of society.

We are now fast approaching the day when one administration goes out of office, and another is to come in. The country has an interest in learning, as soon as possible, whether the new administration, while it receives the power and patronage, is to inherit, also, the topics and the projects of the past; whether it is to keep up the avowal of the same objects and the same schemes, especially in regard to the currency. The order of the Secretary is prospective, and, on the face of it, perpetual. Nothing in or about it gives it the least appearance of a temporary measure. On the contrary, its terms imply no limitation in point of duration, and the gradual manner in which it is to come into operation shows plainly an intention of making it the settled and permanent policy of Government. Indeed, it is but now beginning its complete existence. It is only five or six days since its full operation has commenced. Is it to stand as the law of the land and the rule of the Treasury, under the administration which is to ensue? And are those notions of an exclusive specie currency, and opposition to all banks, on which it is defended, to be espoused and maintained by the new administration, as they have been by its predecessor? These are questions, not of mere curiosity, but of the highest interest to the whole country.

In considering this order, the first thing naturally is, to look for the causes which led to it, or are assigned for its promulgation. And these, on the face of the order itself, are declared to be "complaints which have been made of frauds, speculations, and monopolies, in the purchase of the public lands, and the aid which is said to be given to effect these objects by excessive bank credits, and dangerous if not partial facilities through bank drafts and bank deposites, and the general evil influence likely to result to the public interest, and especially the safety of the great amount of money in the Treasury, and the sound condition of the currency of the country, from the further exchange of the national domain in this manner, and chiefly for bank credits and paper money."

This is the catalogue of evils to be cured by this order. In what these frauds consist, what are the monopolies complained of, or what is precisely intended by these injurious speculations, we are not informed. All is left on the general surmise of fraud, speculation, and monopoly. It is not avowed or intimated that the Government has sustained any loss, either by the receipt of bank notes which proved not to be equivalent to specie, or in any other way. And it is not a little remarkable that these evils, of fraud, speculation, and monopoly, should have become so enormous and so notorious, on the 11th of July, as to require this executive interference for their suppression, and yet that they should not have reached such a height as to make it proper to lay the subject before Congress, although Congress remained in session until within seven days of the date of the order. And what makes this circumstance still more remarkable, is the fact that, in his annual message at the commencement of the same session, the President had spoken of the rapid sales of the public lands as one of the most gratifying proofs of the general prosperity of the country, without suggesting that any danger whatever was to be apprehended from fraud, speculation, or monopoly. His words were: "Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts from the sales of the public lands, which amount, in the present year, to the unexpected sum of eleven millions." From the time of the delivery of that message down to the date of the Treasury order, there had not been the least change, so far as I know, or so far as we are informed, in the manner of receiving payment for the public lands. Every thing stood on the 11th of July, 1836, as it had stood at the opening of the session, in December, 1835. How so different a view of things happened to be taken at the two periods, we may be able to learn, perhaps, in the further progress of this debate.

The order speaks of the "evil influence" likely to result from the further exchange of the public lands into "paper money." Now, this is the very language of the gentleman from Missouri. He habitually speaks of the notes of all banks, however solvent, and however promptly their notes may be redeemed in gold and silver, as "paper money." The Secretary has adopted the honorable member's phrases, and he speaks, too, of all the bank notes received at the land offices, although every one of them is redeemable in specie, on demand, but as so much "paper money."

In this respect, also, sir, I hope we may know more as we grow older, and be able to learn whether, in times to come, as in times recently passed, the justly obnoxious and odious character of "paper money" is to be applied to the issues of all the banks in all the States, with whatever punctuality they redeem their bills. This is quite new, as financial language. By paper money, in its obnoxious sense, I understand paper issued on credit alone, without capital, without funds assigned for its payment, resting only on the good faith and the future ability of those who issue it. Such was the paper money of our revolutionary times; and such, perhaps, may have been the true character of the paper of particular institutions since. But the notes of banks of competent capitals, limited in amount to a due proportion to such capitals, made payable on demand in gold and silver, and always so paid on demand, are paper money in no sense but one; that is to say, they are made of paper, and they circulate as money. And it may be proper enough for those who maintain that nothing shou'd so circulate but gold and silver, to denominate such bank notes "paper money," since they regard them but as paper intruders into channels which should flow only with gold and silver. If this language of the order is authentic, and is to be so hereafter, and all bank notes are to be regarded and stigmatized as mere "paper money," the sooner the country knows it the better.

The member from Missouri charges those who wish to rescind the Treasury order with two objects: first, to degrade and disgrace the President, and, next, to overthrow the constitutional currency of the country.

For my own part, sir, I denounce nobody; I seek to degrade or disgrace nobody. Holding the order illegal and unwise, I shall certainly vote to rescind it; and, in the discharge of this duty, I hope I am not expected to shrink back, lest I should do something which might call in question the wisdom of the Secretary, or even of the President. And I hope that so much of independence as may be manifested by free discussion and an honest vote is not to cause denunciation from any quarter. If it should, let it come.

As to an attempt to overthrow the constitutional currency of the country, if I were now to enter into such a design, I should be beginning, at rather a late day, to wage war against the efforts of my whole political life. From my very first concern with public affairs, I have looked at the public currency as a matter of the highest interest, and hope I have given sufficient proofs of a disposition at all times to maintain it sound and secure, against all attacks and all dangers. When I first entered the other House of Congress, the currency was exceedingly deranged. Most of the banks had stopped payment, and the circulating medium had then become, indeed, paper money. So soon as a state of peace enabled us, I took some part in an effort, with others, to

restore the currency to a better state; and success followed that effort.

But what is meant by the "constitutional currency," about which so much is said? What species, or forms of currency, does the constitution allow, and what does it forbid? It is plain enough that this depends on what we understand by currency. Currency, in a large, and perhaps, in a just sense, includes not only gold and silver and bank notes, but bills of exchange also. It may include all that adjusts exchanges, and settles balances, in the operations of trade and business. But if we understand by currency the legal money of the country, that which constitutes a lawful tender for debts, and is the statute measure of value, then, undoubtedly, nothing is included but gold and silver. Most unquestionably there is no legal tender, and there can be no legal tender, in this country, under the authority of this Government or any other, but gold and silver, either the coinage of our own mints, or foreign coins, at rates regulated by Congress. This is a constitutional principle, perfectly plain, and of the very highest importance. The States are expressly prohibited from making any thing but gold and silver a tender in payment of debts; and, although no such express prohibition is applied to Congress, yet, as Congress has no power granted to it, in this respect, but to coin money, and to regulate the value of foreign coins, it clearly has no power to substitute paper, or any thing else, for coin, as a tender in payment of debts, and in discharge of contracts. Congress has exercised this power, fully, in both its branches. It has coined money, and still coins it; it has regulated the value of foreign coins, and still regulates their value. The legal tender, therefore, the constitutional standard of value, is established, and cannot be overthrown. To overthrow it, would shake the whole system.

But if the constitution knows only gold and silver as a legal tender, does it follow that the constitution cannot tolerate the voluntary circulation of bank notes, convertible into gold and silver at the will of the holder, as part of the actual money of the country? Is a man not only to be entitled to demand gold and silver for every debt, but is he, or should he be, obliged to demand it in all cases? Is it, or should Government make it, unlawful to receive pay in any thing else? Such a notion is too absurd to be seriously treated. The constitutional tender is the thing to be preserved; it ought to be preserved sacredly, under all circumstances. The rest remains for judicious legislation by those who have competent authority.

I have already said that Congress has never supposed itself authorized to make any thing but coin a tender, in the payment of debts, between individual and individual; but it by no means follows from this, that it may not authorize the receipt of any thing but coin in payment of debts due to the United States.

These powers are distinct, and flow from different sources. The power of coinage is a general power; a portion of sovereignty, taken from the States and conferred on Congress, for the sake both of uniformity and greater security. It is to be exercised for the benefit of all the people, by establishing a legal tender and standard of value in all transactions.

But when Congress lays duties and taxes, or disposes of the public lands, it may direct payment to be made in whatever medium it pleases. The authority to lay taxes includes the power of deciding how they shall be paid; and the power granted by the constitution to dispose of the territory belonging to the United States carries with it, of course, the power of fixing not only the price, and the conditions, and time of payment, but also the medium of payment. Both in respect to duties and taxes, and payments for lands, it has been, accordingly, the constant practice of Congress, in its discretion, to provide for the receipt of sundry things, besides gold and silver. As early as 1797, the public stocks of the Government were made receivable for lands sold; the six per cents. at par, and other descriptions of stock in proportion. This policy had, probably, a double purpose in view—the one to sustain the price of the public stocks, and the other to hasten the sale and settlement of the lands. Other statutes have given the like receivable character to Missi-sippi stock, and to Virginia land scrip. So Treasury notes were made receivable for duties and taxes; and, indeed, if any such should now be found outstanding, I believe they constitute a lawful mode of payment, at the present moment, whether for duties and taxes or for lands.

But, in regard both to taxes and payments for lands, Congress has not left the subject without complete legal regulation. It has exercised its full power. The statutes have declared what should be received, from debtors and from purchasers, and have left no ground whatever for the interference of executive discretion or executive control. So far as I know, there has been no period when this subject was not subject to express legal provision. When the duty act and the tonnage act were passed, at the first session of the first Congress, an act was passed also, at the same session, containing a section which prescribed the coins, and fixed their values, in which those duties were to be paid. From that time to this, the medium for the payment of public debts and dues has been a matter of fixed legal right, and not a matter of executive discretion at all. The Secretary of the Treasury has had no more power over these laws than over other laws. He can no more change the legal mode of paying the duty than he can change the amount of the duty to be paid; or alter the legal means of paying for lands, with any more propriety than he can alter the price of the lands themselves. It would be strange, indeed, if this were not so. It would be ridiculous to say that we lived under a Government of laws, if an executive officer may say in what currency, or medium, a man shall pay his taxes and debts to Government, and may make one rule for one man, and another rule for another. We might as well admit that the Secretary had authority to remit or give in the debt of one, while he enforced payment on the other.

I desire, sir, even at the expense of some repetition, to fix the attention of the Senate to this proposition, that Congress, having by the constitution authority to dispose of the public territory, has passed laws for the complete exercise of that power; laws which not only have fixed the price of the public lands, the manner of sales, and the time of payment, but which have fixed also, with equal precision, the medium, or kinds of money, or of other things, which shall be received in payment. It has neglected no part of this important trust; it has delegated no part of it; it has left no ground, not an inch, for executive interposition.

The only question, therefore, is, what is the law, or what was the law, when the Secretary issued his order?

The Secretary considers that that which has been uniformly done for twenty years, that is to say, the receiving of payment for the public lands in the bills of specie-paying banks, is against law. He calls it an "indulgence," and this "indulgence" the order proposes to continue for a limited time, and in favor of a particular class of purchasers. If this were an indulgence, and against law, one might well ask, how has it happened that it should have continued so long, especially through recent years, marked by such a spirit of thorough and searching reform? It might be asked, too, if this be illegal, and an indulgence only, why continue it longer, and especially why continue it as to some, and refuse to continue it as to others?

But, sir, it is time to turn to the statute, and to see

what the legal provision is. On the 30th of April, 1816, a resolution passed both Houses of Congress. It was in the common form of a joint resolution, and was approved by the President; and no one doubts, I suppose, that, for the purpose intended by it, it was as authentic and valid as a law in any other form. It provides that, "from and after the 20th day of February next, [1817,] no duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable in specie on demand, in the said legal currency of the United States."

This joint resolution authoritatively fixed the rights of parties paying, and the duties of officers receiving. So far as respects the notes of the Bank of the United States, it was altered by a law of the last session; but, in all other particulars, it is, as I suppose, in full force at the present moment; and as it expressly authorizes the receipt of such bank notes as are payable and paid on demand, I cannot understand how the receipt of such notes is a matter of "indulgence." We may as well say that to be allowed to pay in Treasury notes, or in foreign coins, or, indeed, in our own gold and silver, is an indulgence, since the act places all on the same ground.

The honorable member from Missouri has, indeed, himself furnished a complete answer to the Secretary's idea; that is to say, he defends the order on grounds not only differing from, but totally inconsistent with, those assumed by the Secretary. He does not consider the receipt of bank notes hitherto, or up to the time of issuing the order, as an indulgence, but as a lawful right while it lasted. How he proves this right to be now terminated, and terminated by force of the order, I shall consider presently. I only say now, that his argument entirely deprives the Secretary of the only ground assigned by him for the Treasury order.

The Secretary directs the receivers "to receive in payment of the public lands nothing except what is directed by the existing laws, viz: gold and silver, and, in the proper cases, Virginia land scrip." Gold and silver, then, and, in the proper cases, Virginia land scrip, are, in the opinion of the Secretary, all that is directed to be received by the existing laws. The receipt of bank notes he considers, therefore, but an indulgence, a thing against law, to be tolerated a little longer, as to some cases, and then to be finally suppressed.

Apparently not at all satisfied with this view of the Secretary, of the ground upon which his own order must stand, the member from Missouri not only abandons it altogether, but sets up another, wholly inconsistent with it. He admits the legality of payment in such bank notes up to the date of the order itself, but insists that the Secretary of the Treasury had a right of selection, and a right of rejection also; and that, although the various modes of payment provided by the resolution of 1816 were all good and lawful, till the Secretary should make some of them otherwise, yet that, by virtue of his power of selection or rejection, he might at any time strike one or more of them out of the list. And this power of selection or rejection he thinks he finds in the resolution of 1816 itself.

I incline to think, sir, that the Secretary will be as little satisfied with the footing on which his friend, the honorable member from Missouri, thus places his order, as that friend is with the Secretary's own ground. For my part, I think them both just half right; that is to say, both, in my humble judgment, are just so far right as they distrust and disclaim the reasoning of each other. Let me state, sir, as I understand it, the honorable member's argument. It is that the law of 1816 gives the Secretary a selection; that it provides four different modes, or media, of payment; that the Secretary is to collect the revenue in one, or several, or all these four modes, or media, at his discretion; that all are in the disjunctive, as I think he expressed it; and that the resolution or law is not mandatory or conclusive in favor of any one. According to the honorable member, therefore, if the Secretary had chosen to say that our own eagles and our own dollars should no longer be receivable, whether for customs, taxes, or public lands, he had a clear right to say so, and to stop their reception.

Before a construction of so extraordinary a character be fixed on the law of 1816, something like the appearance of argument, I think, might be expected in its favor. But what is there upon which to found such an implied power in the Secretary of the Treasury? Is there a syllable in the whole law which countenances any such idea for a single moment? There clearly is not. The law was intended to provide, and does provide, in what sorts of money or other means of payment those who owe debts to the Government shall pay those debts.

It enumerates four kinds of money or other means of payment; and can any thing be plainer than that he who has to pay may have his choice out of all four? All being equally lawful, the choice is with the payer, and not with the receiver. This would seem to be too plain either to be argued or to be denied. Other laws of the United States have made both gold and silver coins a tender in the payment of private debts. Did any man ever imagine that in that case the choice between the coins to be tendered was to lie with the party receiving? No one could ever be guilty of such an absurdity. And unless there be something in the law of 1816 itself, which either expressly, or by reasonable inference, confers a similar power on the Secretary of the Treasury in regard to public payments, is there, in the nature of things, any difference between the cases? Now, there is nothing, either in the law of 1816, or any other law, which confers any such power on the Secretary of the Treasury, either directly or indirectly, or which suggests, or intimates, any ground upon which such power might be implied. Indeed, the statement of the argument seems to me enough to confute it. It makes the law of 1816 not a rule, but the dissolution of all rule; not a law, but the abrogation of all existing laws. According to the argument, the Secretary of the Treasury had authority, not only to refuse the receipt of the Treasury notes, which had been issued upon the faith of statutes expressly making them receivable for debts and duties, and notes of the Bank of the United States, which were also made receivable by the law creating the bank, but to refuse also foreign coins, and the coinage of our own mint; putting thus the legislation of Congress for five-and-twenty years at the unrestrained and absolute discretion of the Secretary of the Treasury. It appears to me quite impossible that any gentleman, on reflection, can undertake to support such a construction.

But the gentleman relies on a supposed practice, to maintain his interpretation of the law. What practice? Has any Secretary ever refused to receive the notes of specie-paying banks, either at the custom-house or the land offices, for a single hour? Never. Has any Secretary presumed to strike foreign coin, or Treasury notes, or our own coin, out of the list of receivables? Such an idea certainly never entered into the head of any Secretary. The gentleman argues that the Treasury has made discriminations; but what discriminations? I suppose the whole truth to be simply this: that, admitting at all times the right of the party paying to pay in notes of specie-paying banks, the collectors and receivers have not been held bound to receive notes of distant banks of which they knew nothing, and could not judge, therefore, whether their notes came within the law. Those collectors and receivers were bound to re-

ceive the bills of specie-paying banks; but, as that duty arose from the fact that the notes tendered were the notes of specie-paying banks, that fact, if not notorious or already known to them, must be made known, with reasonable certainty, before the duty to receive them became imperative. I suppose there may have been Treasury orders, regulating the conduct of collectors and receivers in this particular. Any orders which went further than this would go beyond the law.

The honorable member quotes one of the by-laws of the late Bank of the United States; but what has that to do with the subject? Does the honorable member think that the by-laws of the late bank were laws to the people of the United States? The bank was under no obligation to receive any notes on deposite except its own. It might, therefore, make just such an arrangement with the Treasury as it saw fit, if it saw fit to make any. But neither the Treasury, nor the bank, nor both together, could do away with the written letter of an act of Congress; nor did either undertake so to do.

But, sir, what have been the gentleman's own opinions on this subject heretofore? Has he always been of opinion that the Secretary enjoyed this power of selection, as he now calls it, under the law of 1816? Has he heretofore looked upon the various provisions of that law only as so many moveable and shifting parts, to be thrown into gear and out of gear by the mere touch of the Secretary's hand? Certainly, sir, he has not thought so; certainly he has looked upon that law as fixed, definite, and beyond executive power, as clearly as other laws; as a statute, to be repealed or modified only by another statute. No longer ago than the 23d day of last April, the honorable member introduced a resolution into the Senate, in the following words:

"*Resolved*, That, from and after the —— day of ——, in the year 1836, nothing but gold and silver coin ought to be received in payment for public lands; and that the Committee on Public Lands be instructed to report a bill accordingly."

And now, sir, I ask why the honorable member moved here for a bill and a law, if the whole matter was, in his opinion, within the power of the Secretary of the Treasury?

The Senate did not adopt this resolution. A day or two after its introduction, and when some little discussion had been had upon it, a motion to lay it on the table prevailed, hardly opposed, I think, except by the gentleman's own vote. A few weeks after this disposition had been made of this resolution, the session came to a close, and, seven days after the close of the session, the Treasury order made its appearance.

But this is not all. There is higher authority than even that of the honorable member. Looking to the expiration of the charter of the Bank of the United States, the President, in his annual message in December last, said it was incumbent on Congress to discontinue, by law, the receipt of the bills of that bank in payment of the public revenue. Now, as the charter was to expire on the 3d of March, there was nothing to make its bills receivable after that period, except the law of 1816. To strike the provisions respecting notes of the bank out of that law, another law was indeed necessary, according to my understanding; but I do not conceive how it should be thought necessary, upon the construction of the honorable member. Both Houses being of opinion, however, that the thing could not be done without law, an act was passed for that purpose, and was approved by the President. Here, then, sir, is the gentleman's own authority, the authority of the President, and the authority of both Houses of Congress, for saying that nothing contained in the law of 1816 can be thrust out of it by any other power than the power of a subsequent statute.

I am, therefore, of opinion that the Treasury order of the 11th of July is against the plain words and meaning of the law of 1816; against the whole practice of the Government under that law; against the honorable gentleman's own opinion, as expressed in his resolution of the 23d of April; and not reconcileable with the necessity which was supposed to exist for the passage of the act of last session.

On this occasion, I have heard of no attempt to justify the order on the ground of any other law or act but the act of 1816. When the order was published, however, it was accompanied with an exposition, apparently half-official, which looked to the land laws as the Secretary's source of power, and which took no notice at all of the law of 1816. The land law referred to was the act of 1820; but it turns out, upon examination, that there is nothing at all in that law to support the order, or give it any countenance whatever. The only clause in it which could be supposed to have the slightest reference to the subject is in the proviso in the 4th section. That section provides for the sale of such lands as, having been once sold on credit, should revert or become forfeited to the United States through failure of payment; and the proviso declares that no such lands shall be again sold on any other terms than those of "cash payment." These words, "cash payment," have been seized upon, as if they had wrought an entire change in the important provisions of the law of 1816, and already established an exclusive specie payment for lands. The idea is too futile for serious refutation. In the first place, the whole section applies only to forfeited lands; but the truth is, the term "cash payment" means only payment down, in contradistinction to credit, which had formerly been allowed; just as the words in the tariff act of July, 1832, mean payment down, instead of payment secured by bonds, when it says that the duties on certain articles shall be paid in "cash."

As to the second section of the land law of 1820, which was set forth with great formality in the exposition to which I have referred, as furnishing authority for the Secretary's order, there is not a word in it having any such tendency; not a syllable which has any application to the matter. That section simply declares that, after the first day of July in that year, every purchaser of land at public sale shall, on the day of purchase, make a complete payment therefor; and the purchaser at private sale shall produce a receipt for the amount of the purchase-money on any tract, before he shall enter the same at the land office. This is all. It does not say how the purchaser shall make complete payment, nor in what currency the purchase-money shall be received. It is quite evident, therefore, that that section lends the order no support whatever.

The defence of the order, then, stands thus: The Secretary founds it upon the idea that nothing but gold and silver was ever lawfully receivable, and that the receipt of bank bills has been all along an "indulgence" against law. For this opinion he gives no reasons.

The honorable member from Missouri rejects this doctrine; he admits the receipt of bank notes to have been lawful until made unlawful by the order itself; and insists that the Secretary's power of stopping their further receipt arises under the law of 1816, and is an authority derived from it. But, then, the long and half-official exposition which accompanied the publication of the order has no faith in the law of 1816 as a source of power, but makes a parade of a totally and perfectly inapplicable section, out of the land law of 1820. Grounds of defence so totally inconsistent cannot all be sound, but they may be all unsound; and whether they be so or not, is a question which I would willingly leave to the decision of any man of good sense and honest judgment. I take leave of this part of the case for the present. I

may pause at least, I hope, until those who defend the order shall be better agreed on what ground to place it.

Mr. President, the subject of the currency is so important, so delicate, and, in my judgment, surrounded, at the present moment, with so much both of difficulty and of danger, that I am desirous, before making the few observations which I intend on the existing condition of things and its causes, to avoid all misapprehension, by a general statement of my opinions respecting that subject.

I am certainly of opinion, then, that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country; and that neither Congress nor any State has authority to establish any other standard, or to displace this. But I am also of opinion that an exclusive circulation of gold and silver is a thing absolutely impracticable; and, if practicable, not at all to be desired; inasmuch as its effect would be to abolish credit, to repress the enterprise, and diminish the earnings of the industrious classes; and to produce, faster and sooner than any thing else in this country can produce, a moneyed aristocracy.

I am of opinion that a mixed currency, partly coin and partly bank notes, the notes not issued in excess, and always convertible into specie at the will of the holder, is, in the present state of society, the best practical currency—always remembering, however, that bills of exchange perform a great part of the duty of currency, and, therefore, that the state of domestic exchanges is always a matter of high importance and great actual bearing on commercial business.

I admit that a currency partly composed of bank notes has always a liability, and often a tendency, to excess; and that it requires the constant care and oversight of Government.

I am of opinion, even, that the convertibility of bank notes into gold and silver, although it be a necessary guard, is not an absolute security against occasional excess of paper issues.

I believe, even, that the confining of discounts to such notes and bills as represent real transactions of purchase and sale, or to real business paper, as it is called, though generally a sufficient check, is not always so; because I believe there is sometimes such a thing as over-trading or over-production.

What, then, it will be asked, is a sufficient check? I can only repeat what I have before said, that it is a subject which requires the constant care, watchfulness, and superintendence of Government. But our misfortune is, that we have withdrawn all care and all superintendence from the whole subject. We have surrendered the whole matter to eight-and-twenty States and Territories. With the power of coinage and the power and duty of regulating commerce, both external and internal, this Government has little more control over the mass of money which circulates in the country, than a foreign Government. Upon the expiration of the charter of the Bank of the United States, new banks were created by the States. Sixty or eighty millions of banking capital have thus been added to the mass since 1832. All this it was easy to foresee: it was all foreseen, and all foretold. The wonder only is, that the evil has not already become greater than it is; and it would have been greater, and we should have had such an excess as would perhaps have depreciated the currency, had it not been for the extraordinary prosperity of the country. No very great excess, I believe, has as yet in fact happened, or rather no very great excess does now exist. There are sufficient evidences, I think, of this.

In the first place, the amount of specie in the country is far greater than was ever known before, and it is not exported. In the next place, as all the banks as yet maintain their credit, and all pay specie on demand, the whole circulation is, in effect, equivalent to a specie circulation; and the state of the foreign exchanges shows that the value of our money, in the mass, is not depreciated, since it may be transferred without any loss into the currency of other countries. Our money, therefore, is as good as the money of other countries. If it had fallen below the value of money abroad, the rates of exchange would instantly show that fact. There has been, therefore, as yet, or at least there exists at present, no considerable depreciation of money. If, then, it be asked, what keeps up the value of money in this vast and sudden expansion and increase of it, I have already given the answer which appears to me to be the true one. It is kept up by an equally vast and sudden increase in the property of the country, and in the value of that property, intrinsic as well as marketable. None of us, I think, have estimated this increase high enough, and for that reason we have all been looking for an earlier fall in prices. It seems obvious to me that an augmentation in the value of property, far exceeding all former experience in any country, even our own, has taken place in the United States within the last few years. The public lands may furnish one instance of this rapid increase. It was estimated last session, by my honorable friend from Ohio, [Mr. EWING,] that the demands of actual settlers for land for settlement were eight millions of acres per annum, on an average of some years. These eight millions, if taken up at the Government prices at private entry, would cost $10,000,000. Now, partly by cultivation, but more by the continued rush of emigration, both from Europe and the Atlantic coast, the value of these ten millions in a very few years springs up to forty millions; that is to say, lands taken up at one dollar and a quarter an acre, soon become worth five dollars an acre for actual cultivation, and in intrinsic value. And it is to be remembered that these lands are alienable and saleable, with as little of form and ceremony, almost, as if they were goods and chattels. Now, if we make an estimate, not merely on the eight millions of acres required for actual settlement, but on the whole quantity selected and taken up annually, we shall see something of the addition to the whole amount of property which accrues annually from the public lands. A rise has taken place, too, though less striking, in the value of other lands in the country; and property, in goods, merchandise, products, and other forms, is rapidly augmented, also, both in quantity and value, by the industry and skill of the people, and the extension and most successful use of machinery.

Another most important element in the general estimate of the progress of wealth in the country, is the wonderful annual increase of the cotton crops, and the prices which the article bears. Last year's crop reached, probably, to eighty millions of dollars. Now, most of the cotton produced in the United States is sold, once, at least, in the country, and much of it many times. The bills drawn against it when shipped, either for Europe or the Atlantic ports, are usually cashed at the place of drawing, commonly, no doubt, by means of bank notes or bank credits.

I put all these cases but as instances showing the increased value of property and amount of business in the country, and accounting, therefore, for an expansion of the circulation, without supposing great excess; since it is obvious that the circulating money of a country naturally bears a proportion to the whole mass of property, and to the number and amount of business transactions.

But there is another cause of a less favorable character, which may have had its effect already; or if not, is very likely to have it hereafter, in augmenting the circulation of bank notes: I mean the obstruction and embarrassment of the domestic exchanges. In a proper and natural state of affairs, the place of currency, or

money, is filled to a great extent by bills of exchange; and this continues to be the case, so long as the rates of exchange remain low and steady. Nobody, for example, will send bank notes or specie from New York to New Orleans, if he can buy a good bill at par, or near par.

But when exchange becomes disturbed, when rates rise and fluctuate, bills cease to be able to perform this function, and then bank notes begin to be sent about from place to place, in quantities to supply the place of bills of exchange, in payment of debts and balances. All such, and all other derangements and distractions in the free course of domestic exchanges, necessarily produce an unnatural and considerable increase of the circulation. So far as our circulation has been or may be augmented by this cause, so far both the cause and the effect are to be deplored. In my opinion, we have certainly reason to fear this excess hereafter. What is to prevent it? Is it possible that so many State banks, so far apart, so unknown to each other, with no common objects, no common principles of discount, and no general regulation whatever, should act so much in concert, and upon system, as to maintain the currency of the country steady, without either unjust expansion or unnecessary contraction? I believe it is not possible. I believe many of those who insist so much on hard-money circulation believe this also; and that they press their impracticable hard-money notions, from a consciousness that the discontinuance of a national institution has brought the country into a condition in which it is threatened with issues of irredeemable paper.

Our present evil, however, is of a different kind. It is, indeed, somewhat novel and anomalous. With high general prosperity, good crops, generally speaking, an abundance of the precious metals, and a favorable state of foreign exchanges, men of business have yet felt for some months an unprecedented scarcity of money. That is the state of things; its cause, in my opinion, is expressed in a few words: it is the derangement of internal intercourse and internal exchange. Our difficulty is not exhaustion, but obstruction. Every body has means enough, but nobody can use his means. All the usual channels of commercial dealing are blocked up. The manufacturers of the North cannot obtain from the South the proceeds of the sales of their articles; the South finds money scarce, too, in the midst of its abundant exports.

In a country so extensive and so busy, every merchant's means become more or less dispersed, and exist in various places in the shape of debts. Exchange is the instrument, the wand, by which he reaches forth to these means, wherever they are, and uses them for his immediate and daily purposes. But this instrument is now broken. He can no longer touch with it his distant debt, and make that debt present money. He seeks, therefore, for expedients; borrows money, if he can, till times change; pays enormous rates of interest to maintain credit; thinks things, when at the worst, must soon change; looks for reaction, and sacrifices to capitalists, to brokers, and money-lenders, the hard earnings of years, rather than fail to fulfil his commercial engagements. It is a happy and blessed hour, this, for greedy capital and grasping brokerage; an excruciating one for honest industry. The very rich grow every day richer; the laborious and industrious, every day poorer. Meantime, the highways of commercial dealing and exchanges grow more and more founderous, or are all breaking up. Specie, always most useful as the basis of a circulation, when most in repose, gets upon the move. Any time the last four months it might have happened, and many times doubtless it has happened, that steamboats from New York, carrying specie to Boston, have passed in the Sound steamboats from Boston carrying specie to New York. Boating and carting money, backward and forward, becomes the order of the day; and there are those who, the more they hear of specie hauled and transported about from place to place, in masses, the more they flatter themselves with the idea that the country is returning rapidly to a safe and happy specie circulation!

There may be other minor causes. They are not worth enumerating. The great and immediate origin of evil is disturbance in the exchange; and, in my opinion this disturbance has been caused by the agency of the Government itself. The fifty millions in the Treasury have been agitated by unnecessary transfers. As a large portion of this sum was to be deposited with the States at the beginning of next year, the Secretary seems to have thought it necessary to cut up, divide, and remove assigned portions of it before the time came. It is this idea of removal that has wrought the mischief. In consequence of this, money has been taken from places of active commercial business, where it was much needed, and all used, and carried to places where it was not needed, and could not be used.

The agricultural State of Indiana, for example, is full of specie; the highly commercial and manufacturing State of Massachusetts is severely drained. In the mean time, the money in Indiana cannot be used. It is waiting for the new year. The moment the Treasury grasp is let loose from it, it will tend again to the great marts of business; that is to say, the restoration of the natural state of things will begin to correct the evil of arbitrary and artificial financial arrangements. The money will go back to the places where it is wanted. It will seek its level, and its place of usefulness. In my opinion, the proper execution of the deposite law did not make it at all necessary for the Treasury to order these previous local changes. The law itself is not answerable for the inconvenience which has resulted. When the time came, the States, all of them, would have been very glad to receive the money where it was. They wanted but an order for it. They desired no carting. Can any thing be more preposterous than to transfer specie from New York to Nashville, when to a man in Nashville specie in New York is two per cent. more valuable than if he had it in his own house? There is always a tendency in specie, not actually in the pockets of the people, towards the great marts and places of exchange. Those who want it, want it there. There the great transactions of commerce are performed, and there the means of those transactions naturally exist, simply because there they are required. Now, what reason was there for disturbing the revenue, thus lying where it had been collected, and thus mingled with the commerce of the country? Why laboriously drag it off, far from its place of useful action, to places where it was not wanted, and could do no good, and there hold it under the key of the Treasury?

This anticipation of the operation of the deposite law, this attempt at local distribution, this arbitrary system of transfer, which seems to forget, at once, the necessities of commerce, and the real uses of money, I regard as the direct and prime cause of the pressure felt by the community. But the Treasury order came powerfully in aid of this. This order checked the use of bank notes in the West, and made another loud call for specie. The specie, therefore, is transferred to the West, to pay for lands; being received for lands, it becomes public revenue, is brought to the East for expenditure, and passes, on its way, other quantities going West, to buy lands also, and in the same way to return again to the East. Now, sir, how does all this improve the currency? What fraud does it prevent? what speculation does it arrest? what monopoly does it suppress? I am very much mistaken if all this does not embarrass the small purchaser of land much more than the large one. He who has fifty or a hundred thousand dollars to lay out, may collect his specie, not

without some charge, it is true, but without a very heavy charge. But if there be a man, with a hundred or two dollars, waiting to take up a small parcel for actual settlement, and his money be in bank notes, and the bank, perhaps, at a great distance, what has he to do? He must send far to exchange a little money; or else he must submit to any brokerage which he may find established in the neighborhood of the land office. Upon the local operation of this order, however, I say the less, as on that point Western gentlemen are better informed and better judges.

I am willing to hope, sir, and, indeed, I do hope and believe, that when the first payment or deposite under the act of last session shall have been made, and the States shall have found some use and employment for the money, and when this unnatural transfer system shall cease, money will seek its natural channels, and commercial business resume, in some measure, its accustomed habits. But this Treasury order will be a disturbing agent, every hour it is suffered to exist. Indeed, it cannot be allowed to exist long. It is not possible that the West can submit to a measure at once so injurious and so partial. Hard money at the land office, and bank notes at the custom-house, must make men open their eyes after a while, whatever degree of political confidence weighs down their lids. I look upon it, therefore, as certain, that the order will not be permitted long to remain in force.

If I am now asked, sir, whether, supposing this order to be rescinded, and the deposite law executed, and the transfers discontinued, affairs will return to their former state, I answer, with all candor, that though I look, in those events, for a great improvement, I do not expect to see the domestic exchanges and the currency return entirely to their former state. I do not believe there is any agency at work, at present, competent to bring about this desirable end. In other words, I do not believe that the deposite banks, however well administered, can fully supply the place of a national institution; and I am very much mistaken if intelligent men connected with those institutions themselves believe any such thing. I find that, in 1828, 1829, 1830, 1831, and 1832, exchange at New York, on the Southern and Southwestern cities, averaged three fourths of one per cent. discount, or thereabouts. Now, I doubt whether the most sanguine of those connected with the deposite banks expect to be able, through their means, to bring back exchanges to that state, or any thing like it.

The deposite banks are separate and distinct institutions, many of them strangers to each other, without full confidence in each other, and all acting without uniformity of purpose. Their objects are distinct, their capitals distinct, their interests distinct. If one of them has connexion with some others, it yet has no unbroken chain of connexion. They have nothing which runs through the whole circle of the exchanges, as that circle is drawn through the great commercial cities of the Union. They can only act in the business of exchange to the extent of funds, or not much beyond it, actually existing. A national institution, with branches or agencies at different points, may deal in exchanges between these points in amounts to meet the convenience of the public, without reference to the fact of the existence of local funds. One institution, therefore, with branches, has facilities which never can be possessed by different institutions, however honorably or ably conducted.

For myself, I am of the same opinion as formerly, that for the administration of the finances of the country, for the facility of internal exchanges, and for the due control and regulation of the actual currency, a national institution, under proper guards and limits, is by far the best means within our reach. And I am, as I always have been, of opinion, that Congress, having the power of regulating commerce, and the power over the coinage, has power, also, which it is bound to exercise, by lawful means, over that currency in which the revenue is to be collected, and which is to carry on that commerce, external and internal, which is thus committed to its regulation and protection. All the duties of this Government are, in my judgment, not fulfilled, while it leaves these great interests, thus confided to its own care, to the discretion of others, or to the results of chance. But I will not go further into these subjects at the present time.

Mr. President, I am indifferent to the form in which the Treasury order may be done away. Gentlemen may please themselves in the mode. I shall be satisfied with the substance. Believing it to be both illegal and injurious, I shall vote to rescind, to revoke, to abolish, to supersede, to do any thing which may have the effect of terminating its existence.

Before Mr. WEBSTER concluded his speech, as given entire above,

[Mr. BENTON laid the following on the table, in the way of notice: Motion (to be made hereafter) to invest the committee to which the resolution (of Mr. EWING) shall be sent, with authority to inquire into the effect and operation of the Treasury order of July 11th, upon the business of the country, and the banking institutions of the States, and into the conduct of banks in relation to that order, and into their attempts (if any) to withdraw specie from circulation, and to embarrass the exchanges and business of the country. The committee to summon witnesses before them, if any such are near at hand, and to conduct their inquiries at a distance by interrogatories.]

The Senate then adjourned.

THURSDAY, DECEMBER 22.

TEXAS.

A message was received from the President of the United States relative to the recognition of the independence of Texas, and its admission into the Union, and unfavorable to both measures at the present time.

On motion of Mr. BUCHANAN, and after an examination of the documents by the Committee on Foreign Relations, 1,500 extra copies of the message and documents were ordered to be printed. (Vide Debates H. of R. post.)

TREASURY CIRCULAR.

The Senate resumed the consideration of Mr. EWING's resolution to rescind the Treasury order of July 11th, 1836, and to prohibit the Secretary of the Treasury from delegating his power to specify what kind of funds shall be received in payment for the public lands.

Mr. WEBSTER concluded his remarks, as given entire above. When Mr. WEBSTER had concluded his speech,

Mr. NILES rose and addressed the Chair as follows:

Mr. President: I had intended to submit some remarks on the resolution before the Senate, and may as well do it at this time as any other. In the course of the debate there have been several topics drawn into consideration, not necessarily embraced in the question to be decided, yet somewhat connected with the general subject. Some of these I shall have occasion to allude to as I proceed; but will here notice one preliminary observation of the Senator from Massachusetts, [Mr. WEBSTER.] That Senator took occasion to say that the vote on this resolution would form a test question; that those who vote against the resolution will be understood as being favorable to the ultra, and, as he regarded them, extreme opinions of the Senator from Missouri, [Mr. BENTON,] regarding the currency and the public revenue, and observed that it might be fortunate the public is to be thus

early apprized of what is to be the policy of the majority, and of the coming administration, on those important subjects. He had heard the remark with some surprise, not thinking it called for or justified by the occasion. Without stopping to inquire what are the opinions of the Senator from Missouri, or what they are considered to be by the gentleman from Massachusetts, he must be permitted to say that no such conclusions could justly follow the decision of the question before the Senate.

There were reasons, he thought weighty reasons, which would justify Senators in voting against this resolution, without committing themselves in any sense, or in any degree, in regard to the great questions of currency and revenue, to which the Senator had referred. Without reference to what might be his opinion as to the true policy of the Government in the collection of the revenue, whether from the public lands or the customs, he was prepared to vote against this resolution. To pass this resolution, would be to censure and condemn an act of the Executive as being wrong, *ab initio*, or at the time of its adoption. Whether the rule prescribed in the Treasury order be a wise and just one, for the settled action of the Government, is a question entirely distinct from that, whether it may have been expedient and proper at the time it was adopted. He was satisfied that the Treasury order could be justified, viewed as a temporary measure only, intended to remedy evils of great magnitude, arising from the extraordinary circumstances connected with the sales of the public lands; and he was not sure that this was not the true light in which it ought to be considered. It was the duty of the Executive to watch over the public revenue, and see that it was secure. Was there no hazard from the extensive and gambling speculations in the public lands paid for only in bank bills, which were handed over by the receivers to the deposite banks and placed to the credit of the United States? A large portion of the purchases were paid for in bills of the deposite banks, which, after going into the hands of the receivers, were returned and loaned out again, to go through the same operation. This was virtually reviving the old credit system, as the United States received nothing but credit for the lands. If there was no hazard to the revenue from these practices, and from the magnitude and extent of the sales made upon this kind of credit, then gentlemen over the way had altered their opinions very much within the last six months. During the last session of Congress, we were repeatedly, and almost daily, told by those who now oppose the Treasury order, that the funds of the Government in the Western deposite banks were insecure, and that nothing but credit was received for the public lands. Can gentlemen have forgotten their often-repeated declarations on this subject? If so, they must be blessed with short memories. Again and again did Senators refer to the small amount of specie in those banks, and an impression was attempted to be made, that their specie funds were the only solid security for the large sums due the United States.

The order was calculated to correct, and, to a considerable extent, no doubt, has corrected, this evil. It insured something valuable for the lands, and that something valuable was transferred to the deposite banks, and formed a more solid basis for the Government credits.

The order was also calculated to check speculation in the public lands, which, in itself, was an evil of no small magnitude, transferring the best part of the national domain into the hands of heartless speculators, to the great injury of actual settlers, and the detriment of the whole country. Public opinion was rising up against it, and required that something should be done to arrest an evil of so extensive and serious a nature. What other or better measure could have been adopted, until Congress should convene, which might adopt such further legislation in regard to the sales of the lands as the public interests may require?

Sir, (said Mr. N.,) there is another reason why I cannot vote for the resolution before the Senate. A new rule has been adopted in regard to the sale of the public lands, that has been in operation for a time, and which has a tendency to check speculation. I would not repeal that rule, and open again the floodgates of speculation; certainly not until I know whether Congress will pass any act regulating the sale of the public lands. It is, I think, the duty of Congress to do this; the interest of the country requires it; public sentiment demands it; and it is strongly recommended by the President. If Congress suffer the session to pass off, without attempting to regulate the sale of the public lands so as to check speculation, they will neglect their duty to the country. Believing that there will be additional legislation on the subject, which may supersede the Treasury order, he was not at this time prepared to disturb it. Changes in any extensive business are always attended with some inconvenience, and should be avoided as much as possible. When it shall be settled that Congress will not alter the system, it may become necessary to decide whether the rule prescribed in the order shall be maintained, or the old practice restored; and if we do any thing on this subject, our action should be more comprehensive; it should embrace the whole subject, and be settled by law what currency shall be received for the payment of the revenues, not only from the lands, but from customs and all other dues. The doubt and uncertainty which hangs over this subject ought to be removed.

For these reasons, therefore, he should vote against rescinding the Treasury order, even if he was satisfied that the rule it prescribes was not one which it would be expedient and just to establish as a settled policy.

In this view of the subject, he had thrown out of the case the legal objection which has been raised against the Treasury order.

Mr. President, there are two general grounds of objection that have been urged against the order which the resolution on your table proposes to rescind, which I will proceed to consider. The first objection is, that it is illegal; the second, that its operation is partial, unjust, and injurious to the country, and has been the principal cause of the embarrassments and pressure for money which have been so extensively experienced.

It has also been claimed by the Senator from Ohio, [Mr. EWING,] that the order is unconstitutional, that it conflicts with that provision of the constitution which declares that "the citizens of each State shall be entitled to all the rights and immunities of the citizens of the several States." This, however, is a very small point, so small that the Senator seemed to find it difficult to stand upon it; it was quite too small for him to waste the time of the Senate about, and he should therefore pass it over.

Is the Treasury order contrary to law? If it is, it ought to be rescinded, without regard to other considerations.

Congress is empowered to lay taxes, and to authorize and regulate the sale of the public lands; and, in doing this, it can no doubt direct the kind of money or currency which shall be received in payment. But if it neglect to do this, it becomes the duty of the Executive, who is charged with executing the law, to receive payment for taxes and lands in the legal currency of the United States. What that legal currency is, there can be no dispute, so that the only question which can arise is, whether there is any law which authorizes the payment of the revenue and debts due the United States, in any other currency, or in any other way. It is claimed that the joint resolution of 1816 requires the Secretary of

the Treasury to collect the taxes and debts due the United States in a currency different from the legal currency of the country. That resolution provides "that the Secretary of the Treasury be required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand in the said legal currency of the United States; and that, from and after the twentieth day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States."

The Senator from Massachusetts, in a labored legal argument, has attempted to prove that this resolution creates a peculiar currency in regard to all branches of the public revenue, and all debts due the United States. He not only maintains that the resolution imposes an obligation on the Secretary to receive the notes of all banks that redeem their bills in specie at their counters, but also that it enlarges the rights of payers, that it confers on the debtors of the United States the legal right to pay their debts in paper currency; that is, in the notes of specie-paying banks. He went so far as to assert, and stake his reputation as a lawyer on the question, that a receiver, who should refuse to receive the notes of specie-paying banks, and which were known to him to be such, would render himself liable to an action by the party injured. He admits that the fact that the notes are issued by banks which pay their bills in specie, must be made known to the receiver; so that, upon this construction of the resolution, the receivability of paper is to depend on a fact, and that fact is to be decided by a subordinate officer of the Government. The argument of the gentleman, however able, was too elaborate, too refined, to receive his assent. He had never believed that profound legal science was very necessary in construing a plain statute law; nor did he believe that men of eminent professional skill were always the safest expounders of written laws, whether statutes or constitutional provisions. Cicero said, in his day, that the lawyers had spoiled many excellent institutions by their refinements; and we all know that, in our own times, by their forced and strained constructions, they have mystified and perverted many plain and good laws, and bewildered the clearest minds. Whether we look to the language or the manifest object and purpose of the resolution of 1816, he thought there could be no difficulty in understanding it. We are told by legal writers, that, in giving a construction to statutes, it is necessary to ascertain the general object of the law, the evils and mischiefs that existed, and which the act was designed to remove; and more especially is this said to be necessary when the language of an act is doubtful or ambiguous.

What was the object of the resolution of 1816, and what were the evils it was intended to remedy? It is said that its object was to enlarge the rights of the debtors of the United States, and to enable them to pay their debts in a more convenient and easy manner. But does this appear on the face of the resolution? Is it inferrible from its title? And if we look to the state of the Treasury and the condition of the revenue at the time the resolution was adopted, we cannot fail to discover the evils which this resolution was intended to remedy. Instead of its object being to enlarge the rights of the debtors of the Government, it was designed to restrict them, and did restrict them. What was the condition of your Treasury at that period, and how was the revenue collected? There was then in the Treasury more than one million of dollars in the bills of broken banks; and the public revenue had been collected in the notes of banks which did not redeem them in specie; a large portion of the banks in the Union, which had suspended specie payments during the war, had not resumed them. This resolution expressly limited the Secretary so far as not to permit him to receive any bills of banks which did not redeem them with specie. He is expressly prohibited from receiving the notes of non-specie-paying banks; and it was left optional with him to collect the public revenue either in the lawful currency of the United States, or in Treasury notes, or in the notes of specie-paying banks. So far, a discretion was still left with the Secretary; but the discretion he had exercised of taking bills of banks which did not pay their notes in specie, was taken from him. These bills were received by the Bank of the United States only as special deposites, and the loss was thrown upon the Treasury.

This resolution was only an instruction to the Secretary of the Treasury; it has neither the form nor the language of a public act. The title shows clearly that the object of Congress was solely to secure the Treasury, and guard it against a loss from bad money. It is entitled "A resolution relative to the more effectual collection of the public revenue." Can a mere instruction to the Secretary of the Treasury, as the fiscal agent of the Government, change the rights or obligations of the debtors of the United States? Suppose a creditor should instruct his agent to receive payment for a debt in some other than the legal currency, or to take less than the sum due, or to receive payment in some kind of property, would this confer on the debtor the legal right to pay his debt, and discharge his liability, in either of the ways specified? On a suit by the creditor, could he avail himself of such instructions to vary the nature of his liability?

The construction here contended for had always been given to the resolution of 1816; and the Senator from Massachusetts had, on former occasions, regarded it in the same light, as had been shown by the extracts read from his speech and report by the Senator from Missouri, [Mr. BENTON.] It was a very extraordinary position attempted to be maintained, that for twenty years there had been a public law in force in the United States, conferring on paper money, or bank bills, the legal character of gold and silver, so far as regards the payment of the revenue and all debts due the United States, and that the country has been unapprized of the existence of such law. An act to legalize paper money, and make it a lawful tender for all debts to the United States, is one of great importance, and would have been likely to have excited general interest and attention.

The sixteenth section of the act chartering the Bank of the United States provides that the deposites of the moneys of the United States shall be made in that bank and its branches. But the bank had refused to receive the bills of certain banks, notwithstanding they were redeemed in specie, and had been justified by Congress in so doing, in a report to that effect, drawn up by the Senator himself. But if the resolution of 1816 gave to the bills of State banks all the character of gold and silver, so far as regards dues to the Government, then such bills were the "money of the United States," and the bank was bound by its charter to receive them on deposite.

The Senator from Massachusetts referred to the fact, that the President last session sent a message to Congress, recommending the repeal of the fourteenth section of the charter of the Bank of the United States,

which required that the notes of that bank should be received in all payments to the United States. He could not perceive what inference could be drawn from this fact, favorable to the gentleman's purpose; but it appeared to him that the necessary inference was directly the contrary. The bills of the Bank of the United States were made receivable by the Government, by a distinct provision in its charter; and the President wished that section repealed, which would place them on the same footing as other bank bills. But if the Senator is correct in his argument, it would have been of no use to repeal the fourteenth section of the bank charter, as the United States would still have been obliged to receive the bills of that bank, under the resolution of 1816. Moreover, the fourteenth section was never of any importance to the Bank of the United States, if, as is contended, the resolution of 1816 gave to the bills of all specie-paying banks the character of receivability for debts payable to the United States. The bills of the State banks, so far as regarded the Government, stood on the same footing as those of the Bank of the United States; although it has always been claimed that the privilege conferred by the fourteenth section formed a part of the consideration for which the corporation had paid a bonus of a million and a half of dollars.

Mr. President, if there is any doubt in regard to the legal import and effect of the resolution of 1816, still there can be no question as to the kind of currency which is receivable for the sales of the public lands. The fourth section of the act of 1820, which superseded the credit system, and required that sales should be made for cash payments, settles that question. The proviso to the fourth section is, "that no such lands shall be sold at any public sale hereby authorized, for a less price than one dollar and twenty-five cents, nor on any other terms than cash payments." This section, it is true, is confined to lands forfeited to the United States; but its spirit and language are in perfect accordance with the other sections of the act. The clause "cash payments," must be understood in its ordinary acceptation, in which sense it does not mean Treasury notes, nor the notes of banks, but money, which is a legal tender by the laws of the United States. In the ordinary acceptation, "cash" signifies money, or that currency which is a lawful tender for debts. Any other construction would be to trifle with language, and an insult to common sense.

Mr. N. said that, without consuming more time on that point, he was satisfied that the objection to the Treasury order, on the ground of its illegality, was entirely unfounded.

Mr. N. said he would now proceed to submit a few remarks on the other division of the subject. Has the Treasury order operated unjustly and injuriously to the interest of the country? Has it caused the embarrassments and pressure for money which have prevailed so extensively and disastrously throughout the country, and particularly in the large commercial cities? All these evils have been charged upon it, as the results of the derangement it has occasioned in the business and monetary concerns of the country. In regard to the discrimination or exception from its operation in behalf of actual settlers, and the citizens of the States in which the lands were sold, as that exception had now ceased, he would not spend any time upon it.

The Senator from Kentucky [Mr. CRITTENDEN] asked, with an air of triumph, what had been the good effects of the order? Whilst its evils have been so manifest, and of such great magnitude, we have a right, said he, to call on its advocates to point out its benefits. Mr. N. said that, in his preliminary remarks, he referred to what appeared to have been some of the beneficial effects of the order, and he would not repeat them. They were such, too, he believed, as were contemplated by the Executive at the time the order was adopted. But as those who supported the resolution before the Senate took the affirmative of the issue, he might, perhaps, with more propriety, call on them to point out the evil consequences of the order. This they have attempted to do, but he thought with no very great success. It has been boldly asserted, that the Treasury order had deranged the currency, and occasioned the existing difficulties and pressure in regard to money, which he admitted to be very severe. This, sir, (said Mr. N.,) is no new complaint against the present administration. It is the old story, which has been so often repeated within the last few years, that its authors on the present occasion can lay no claims to originality. On his way to this city, during a short detention in New York, he had a conversation with a merchant, who complained not only of the times, but of the Government. It was, however, only a repetition of the old story, of tampering with the currency!—war upon the currency! When will the Government cease tampering with the currency? These complaints come with an ill grace from bankers, brokers, and merchants, who are strenuous supporters of that inflated system of paper money and credit, whose inherent defects are the source of the very evils which they denounce. Mr. N. said that when he heard complaints like these, he was forcibly reminded of an anecdote of Doctor Franklin, who, when in Europe, was a member of a learned society, which had a regulation, that on certain occasions each member was to suggest some problem in physical science, and each one present was to give an explanation *impromptu*. The Doctor, who was fond of starting game for philosophers, as he called it, proposed this question: "How it was to be accounted for, that a barrel of fish would contain more salt than the barrel without the fish?" The explanations given by learned savans, although extremely ingenious, did not appear to be entirely satisfactory. At last all eyes were turned towards the Doctor, who, it was supposed, could give a satisfactory solution of a problem he had suggested. "Gentlemen," said he, "in the first place, the fact is not so." So in regard to the complaints of merchants and politicians, so often repeated, of tampering with the currency, it is a sufficient answer to say, the fact is not so. These charges are without foundation, even if we consider currency in the very comprehensive sense in which it appears to be regarded by the Senator from Massachusetts, [Mr. WEBSTER,] who, if he correctly understood him, appears to consider currency as comprehending not only bank bills, but bills of exchange, and every description of paper which was used to facilitate the transactions of commerce. This appeared to him to be altogether too comprehensive a view of the subject of currency, even in a commercial sense. It appeared to be confounding currency and credit, which he had supposed were essentially distinct. In the small book which every Senator has on his table, (containing the constitution of the United States,) is a much better definition: he there found, that "Congress shall have power to coin money, regulate the value thereof, and of foreign coin." Here we find what is the legal and constitutional currency of the United States. Gold and silver, either the coinage of the United States or foreign coin, the value of which has been fixed and regulated by a law of Congress, constitute the only currency known to the constitution.

But, in a commercial sense, or in the common acceptation, whatever circulates as money, and is received as such, in the ordinary transactions of society, may be considered as a part of the currency of the country; and in this view of the subject, bank bills form a part of our currency. But if we admit the bills of our banks to be a component part of the currency of the country, still the complaints, of which we have heard so much for

some years past, are without any just foundation. What are the acts of this administration, which have been denounced as tampering with the currency, and making war on the currency? The first of them is the veto of the President of the bill for rechartering the Bank of the United States. This may have been a bold measure, but great evils require powerful remedies; and it was confirmed and fully sustained by the people, and afterwards by Congress, which refused to give the bank another charter. If this measure had succeeded in destroying the Bank of the United States, it might be considered, in some measure, as interfering with the currency of the country, if it can be made out that the bills of that bank possessed any essential qualities as money, or currency, which do not appertain to the bills of the State banks. But he did not consider that the bills of that bank possessed any material advantages, as money, over those of the State banks; for such were its regulations, that the different branches, so far as respects the redemption of their bills, were so many independent banks. It was not necessary, however, to consider this question, because the bank had not ceased to exist. No, unfortunately for the country, the "monster" still lives; and, according to the declarations of its president, at the very time of its resuscitation, under a charter obtained from one of the States, it inherits a circulation of twenty-two millions, and a credit throughout the world. We have the word of its president that the bank still possesses its essential ability to do good, and, in the opinion of many, it has lost none of its powers of mischief. Whether for good or for evil, then, the bank still exists, and the country has the benefit, if such it is, of that paper currency which it can supply.

The next act which has been condemned as an act of war upon the currency, is the Treasury order for removing the public deposites in 1833. This, as is well known, occasioned great excitement; the measure was denounced, in this hall and elsewhere, as illegal, unconstitutional, and an alarming usurpation, calculated to derange the currency, destroy public and private credit, and prostrate the entire business of the country. Now the excitement has gone by, and the angry waves subsided, and the measure already become, in some sense, a matter of history, we can look back upon it dispassionately and calmly. And what was this alarming act of usurpation, this war upon the currency and credit of the country, which was to paralyze all the great interests of the nation? He did not speak with any reference to its legality or constitutionality, but solely with regard to its effect on the currency and credit. Why, sir, (said Mr. N.,) this measure consisted simply of an order from the Secretary of the Treasury changing the place of deposite of the public revenue, at a time when the money in the Treasury amounted to but about nine millions of dollars. The measure related only to the money of the United States; it had no application whatever to the currency of the country, whether metallic or paper; it had no operation upon commerce, or duties, or importations. This act, which was said to derange the currency and destroy credit, was nothing more than the control and management of the funds belonging to the people of the United States, in no way interfering with the transactions of commerce, or currency, or credit. Cannot the Government take care of their own funds, and manage them as they think best, without being charged with making war on the currency? without an outcry from bankers, brokers, and merchants, that their business is injured, and the whole country exposed to ruin? Must the Secretary of the Treasury consult the bankers before he can decide on any measure in relation to the public funds? If an act, having no bearing on commerce, in no way directly affecting any of the interests of the country, and which merely changed the places of deposite of the public revenues, could have occasioned the serious consequences which were charged upon it—the derangement of the currency, prostration of credit, the wide-spread embarrassments and distress which prevailed—the case would afford the strongest, the most irresistible, argument against the whole paper credit system. If these consequences did follow from so small a cause, it proves the miserable, wretched condition of your paper currency, which the Senator from Massachusetts seems to consider as preferable to gold and silver.

Untsable and bad as he considered the paper currency of the country, he would make no such charge against it; he did not believe it could be deranged, and the whole country involved in difficulty and distress, by so trifling a cause. No, sir, there was at that period a war upon the currency; but it did not come from the Executive, or this Government, but from the Bank of the United States, and other banks which from fear or favor co-operated with it in its measures intended to distress the country, and create a panic. That war on the currency and on the country came from the great mammoth of the paper system, which possessed more power over the currency than this Government; which could make paper money plenty or scarce at its pleasure. At this day, he believed no one could be found who would maintain that the embarrassments and distress which prevailed during almost the entire year of 1834, were occasioned by the change which was made in the management of the public revenue.

Mr. N. said he now came to consider the last measure which had been condemned as a tampering with the currency—the Treasury order of the 11th July, requiring cash payments for the public lands. It is claimed that the money pressure which has prevailed for months past, and which still continues, has been occasioned by this new regulation as to the sales of the public lands. The Senator from Massachusetts [Mr. WEBSTER] did not seem to advance this opinion with confidence; he said there was a complication of causes; that this order, with other causes, had occasioned the existing difficulties; but when he came to point out the other causes, they did not appear to be very numerous or complicated, and all of them centered in the executive department of the Government. The complication of causes appeared to consist of but two; the Treasury order, and the execution of the deposite act, or the apprehension of the manner in which that act was to be executed. That the deposite act had contributed to increase the money pressure, Mr. N. did not doubt; but what properly belonged to the act, ought not to be charged to the execution, or the apprehended execution. He reluctantly gave his support to that act, although sensible at the time that it would increase, rather than relieve, the pressure for money, which prevailed. But it had not been shown that any censure was justly chargeable upon the Secretary for the execution of the law. It was impossible but that the act should occasion some temporary inconvenience in the monetary concerns of the country. It disposes of a large sum of money, nearly forty millions, upon principles altogether foreign to the commercial principles which control and regulate the moneyed capital of the country. Population is not the principle upon which commerce distributes money.

Mr. N. said that, in relation to the Treasury order, he would not deny that in some small degree it may have increased the difficulties which exist. It had increased the demand for specie, and that was the principal object of the measure, to obtain something of real value for the public lands. Its operation has been to replenish the deposite banks in the West with specie funds, and to draw them from the banks at the East, which has to some extent, diminished the ability of the latter to

make loans. But a contraction of the paper currency had long before commenced; and that contraction must necessarily produce a curtailment in the loans and discounts of banks. The Treasury order only co-operated with other causes in producing results which were inevitable. To regard the Treasury order as the efficient cause of the present crisis would be like an attempt to find one's way by a taper, and close his eyes to the sun, which was enlightening the world. The real cause of the existing pressure is much broader and deeper than the Treasury order; it is a cause which is inherent in the banking system, and in that paper currency which we have just heard commended as preferable to gold and silver. There are laws which act upon and control the paper system of currency, supplied by banks, which are as immutable as those that govern the physical universe. One of these laws is, that a sudden expansion of the currency, even to an inconsiderable amount, gives an undue stimulus to enterprise, that occasions over-trading and speculation, which will continue to increase, until they are checked by a reaction in the money market, when a contraction of the currency ensues, by the banks being obliged to curtail their discounts. This occasions a scarcity of money.

But it seems to be denied that there has been any dangerous or essential enlargement of the paper currency. The Senator from Massachusetts admits that there has been a great augmentation of banking capital within the last two or three years, but attributes it to the rapid and unparalleled advance in the value of real estate and other property. It appeared to him this was taking the effect for the cause. What has occasioned the rapid rise in the price of real estate and other property? Is it not the flood of paper money with which the country has been inundated for the last few years, and the wide-spread and extravagant speculations to which it has given rise? If this was not the cause, he would like to know what it was. Has there not been an alarming increase of bank capital, and, of course, bank circulation, the last few years? The bank capital of the State banks was estimated by Mr. Gallatin, in 1830, at ninety-five millions of dollars, and the bank circulation at thirty-nine millions. The annual report of the Secretary of the Treasury, a year ago, contained returns from nearly all the State banks; according to which, the capital of the State banks, on the 1st January, 1835, amounted to about ninety-six millions, their circulation to about eighty-six millions. Since that period, the increase of bank capital has been astonishingly rapid. It is thought to have exceeded one hundred millions, and the circulation to have been increased fifty millions. But in addition to this, the Bank of the United States has been rechartered the year past, with a capital of thirty-five millions, and has the possession of seven millions belonging to the United States; making a capital of forty-two millions. During the past year, there has also been a sum of from thirty to forty millions of dollars of the public revenue in the deposite banks, which has been used for banking purposes, and constituted a part of their capital. The whole addition to the banking capital of the country, since January, 1835, must considerably exceed one hundred and fifty millions of dollars, and the addition to the circulation fifty millions.

In his report, the present session, the Secretary estimates the circulation of bank paper, on the first of the present month, at one hundred and twenty millions; but thinks that in July it considerably exceeded that sum. Mr. N. thought this estimate below the truth, because it was found that the issues of banks would bear a certain proportion to their capitals. If it was true, as was supposed by Adam Smith, who wrote at a time when the subject of banking was very imperfectly understood, that no more paper money could be circulated than would supply the specie which it forced out of circulation, the creation of banking capital would not add to the paper currency. But that principle is incorrect; the paper issues of banks are found to depend mainly on the capital which shall be employed in banking operations. What proportion the circulation will bear to the banking capital was not clearly established, but it would not vary far from thirty per cent. If gentlemen will look into the report of the Secretary of the Treasury, just laid on our tables, they will find that the deposite banks, with a capital of seventy-seven millions, have a circulation of forty-one millions, or more than fifty per cent. These banks, it is true, possess large sums in deposite, so that their circulation is, no doubt, considerably larger, in proportion to their capital, than the general average.

Sir, (said Mr. N.,) are we to be told, in the face of these strong facts, that there has been no undue enlargement of the paper currency and the credit system the last two years? Are we to believe that this increase has been occasioned by the general rise in the value of property? Has property advanced nearly fifty per cent. in two years? And if such was the fact, what reason can be assigned for such an unprecedented advance in the value of property in so short a period, except the superabundance of the paper currency?

That the flood of paper money, and the great extension of bank credits, were the original and efficient cause of the embarrassments and difficulties which had prevailed for nearly one year, was clear beyond any reasonable doubt. Even a very small addition to the currency excites to over-trading and speculation, and an advance of prices. This has been found to be invariably the case in England, and in this country since the establishment of the Bank of the United States. All periods of excitement and speculation, in both countries, have been preceded by an increase of money or credit, or both. The year 1835 and the first half of the year 1836, have been distinguished for speculation in stocks, real estate, and every kind of property, and for the unprecedented multiplication of joint stock companies, for almost every conceivable object. A reaction has ensued, and there is now great distress in that country for money, as well as in this. This spirit of speculation and gambling is there attributed to an expansion of the paper currency, although the increase of paper appears to be trifling compared to what has taken place in this country. In 1833, there were but thirty-four joint stock banks in England, and in July, 1836, they had increased to seventy-seven. Their issues in 1834 were £1,783,600, and in 1836, £3,094,025, being an increase of less than a million and a half. In the mean time, the private banks had not increased, but to a small amount had contracted their issues. So small an addition to the paper currency as this is considered as the cause of the rage of speculation and gambling which has prevailed, and of the distress that has followed.

Mr. N. said that, in support and corroboration of these views, he would ask the Secretary to read some short extracts from two recent writers in that country, which he had copied:

Extract from Mushet.

"In 1819, the Bank of England and the country banks curtailed their issues about 15 per cent., and consols fell about 14 per cent.; in 1820, the country banks curtailed 32 per cent.; in 1821, 28 per cent. A fall of prices and scarcity of money followed; and 1819, '20, and '21, were years of great distress in England. One of the great evils from the great fluctuation in the amount of the currency, is the spirit of gambling which it engenders. It is the sudden abundance of money, which is the main-spring of all gambling transactions in our funds, and in articles of general consumption; and the rise in prices is forced by speculative buying and selling, con-

siderably beyond the actual increase of the currency. It is to this cause alone, and under every circumstance which, as a nation, we can be placed, that I attribute the whole of the speculations, now and heretofore, that have appeared to begin in prosperity, and to end in the distress and ruin of thousands.

"The speculative rise probably exceeds the addition to the squares added. If 2 per cent. is added, prices will rise 8; if 8, 32 per cent. If, on the other hand, there is a contraction of 8 per cent. it will be attended with a fall of public credit and confidence in buying and selling. These are the evils, and they are evils of great magnitude, that attend the use of the paper currency. There is a range of contraction and expansion in the use of paper, that does not belong to a metallic currency, and which, perhaps, does more than counterbalance all the advantages to a nation from the use of paper."

Extract from the Edinburgh Review, vol. 4, No. 2.

"In a country so opulent as this, and so rapidly increasing in wealth and population, the too great ardor of speculation, and the miscalculation of producers, must necessarily sometimes occasion over-trading, and consequently gluts and depresses of the market. But were the currency in a perfectly sound state, the excitement arising from such causes would almost necessarily be confined to one or a very few businesses, and would be very far indeed from being either general or universal. In point of fact, all periods of general excitement, or periods marked by a general tendency to speculation, and by a general rise of prices, have, both in this and other countries, been uniformly distinguished by some extraordinary facilities in obtaining supplies of money or of credit, or of both. We are bold to say, that no single instance to the contrary can be pointed out in the history of industry in modern times."

Mr. N. said that the opinions of these two enlightened writers, in pointing out the evils of a paper currency, contained a satisfactory explanation of the true origin of the pecuniary difficulties which now exist in this country. There was no Treasury order in England, no tampering with the currency, so far as the Government was concerned, yet the same evils had been experienced there.

A paper currency was, from the very nature of it, unstable, and subject to constant fluctuations. Such had been its character in England, and in this country particularly. Since the establishment of the late Bank of the United States, it had been more unstable. Those who suppose that reactions and periods of distress were only occasional, and the result of extraordinary causes, were entirely mistaken. They are evils inherent in the system, and inseparable from it. Whoever will look back to the period of the establishment of the Bank of the United States, will find that such has been the case in this country. The severe and universal distress which prevailed throughout the Union in 1819 and '20, will long be remembered. In 1822, money again became scarce, and in 1825 there was great distress in the United States, as well as in England, where the pressure was universal and desolating in its consequences. So great was the calamity, that it was found necessary to take away, in part, the monopoly of the Bank of England, and authorize the establishment of joint stock banks, as a means of relief. In 1826, money was scarce in New York; and in the winter of 1827-'8, in the Middle and Eastern States. In 1829, many banks failed, and there was great distress among the manufacturers in the Eastern States. In the latter part of 1832, money again became scarce; and nearly the entire year of 1834 was distinguished, not only for a pressure, but for a panic, unexampled in this country. The evils of this period are too fresh in the memory of every one, to render it necessary to enlarge upon them.

In confirmation of these facts and views, he would beg leave to read a letter which has been published; it is from no visionary theorist, or anti-bank man, but from a responsible officer, the cashier of the Branch of the United States Bank in Baltimore, in 1830, and was addressed to the Secretary of the Treasury. It bears date February 15, 1830.

"Looking back to the peace, a short period, fresh in the memory of every man, the wretched state of the currency for the two succeeding years cannot be overlooked. The disasters of 1819, which seriously affected the circumstances, property, and industry, of every district in the United States, will long be recollected. A sudden and pressing scarcity of money prevailed in 1822; numerous and very extensive failures took place in New York, Savannah, Charleston, and New Orleans, in 1825. There was a great convulsion among banks and other moneyed institutions, in 1826. The scarcity of money among traders in that State and eastward, in the winter of 1827-'8, was distressing and alarming. Failures of banks in North Carolina and Rhode Island, and amongst the manufacturers of New England and this State, (Maryland,) characterized the last year, (1829,) and intelligence is just received of the refusal of some of the principal banks of Georgia to redeem their notes with specie—a lamentable and rapid succession of evil and untoward events, prejudicial to the progress of productive industry, and causing a baleful extension of embarrassment, insolvency, litigation, and dishonesty, alike subversive of social happiness and morals. Every intelligent mind must express regret and astonishment at the recurrence of these disasters in tranquil times and bountiful seasons, amongst an enlightened, industrious, and enterprising people, comparatively free from taxation, unrestrained in their pursuits, possessing abundance of fertile lands and valuable minerals, with capital and capacity to improve, and an ardent disposition to avail ourselves of these great bounties.

"Calamities of an injurious and demoralizing nature, occurring with singular frequency amidst a profusion of the elements of wealth, are well calculated to inspire and enforce the conviction, that there is something radically erroneous in our monetary system, were it not that the judgment hesitates to yield assent, when grave, enlightened and patriotic Senators have deliberately announced to the public, in a recent report, that our system of money is in the main excellent, and that, in most of its great principles, no innovation can be made to advantage."

Mr. N. said that the letter which he had just read contained more truth and honesty than all the communications which had ever appeared from the head of that banking institution, of which the writer of this letter was an officer. It presented a faithful but melancholy picture of the operations of our banking and credit system.

With such facts as these, and the experience of the last twenty years before us, he thought it was trifling with common sense to talk about the Treasury order being the cause of the existing difficulties. Sir, (said Mr. N.,) the cause of these evils lies deeper and broader; it exists in your paper currency and banking system. The order has, no doubt, in some small degree, contributed to increase the pressure; and this is also true of the deposite act. They have served to bring on the crisis a little sooner than it might otherwise have come, but the disease was upon us, and must have its course.

If we were to look to any secondary causes, that of a wild spirit of speculation stands pre-eminent, and particularly speculation in public lands. But speculation is stimulated by our system of currency and credit. The immense purchases of the public lands during the last two years have filled your Treasury to overflowing;

more than forty millions had been received from the sales of the public domain. This immense capital had been withdrawn from its accustomed employment. This, of itself, was sufficient to derange the whole business of the country.

The period of distress to which he had particularly referred, was also distinguished by speculations in the public lands. They commenced in 1818; the sales that year exceeded seven millions of dollars; in 1819, they were more than seventeen millions, and the first two quarters of 1820 amounted to the enormous sum of twenty-seven millions. In July the law went into operation, requiring cash payments; and so entirely did the sales depend on credit, that they were almost entirely suspended, and the last half of that year amounted to only about four hundred thousand dollars; and, for the four succeeding, did not average one million a year. Speculations in the public lands again commenced in 1834, when the sales amounted to about eight millions; in 1835, to fifteen millions, and the present year to more than twenty-four millions, including the sales of the Chickasaw lands, which do not go into the Treasury. That a reaction should follow this reckless spirit of speculation was inevitable.

Mr. N. said he thought that the attempt to charge the embarrassments and pressure for money upon the Treasury order had entirely failed. He believed the order to be legal, and was satisfied that it had had but little agency in causing the existing crisis. Still it was, in his mind, a question whether the principle of that order ought to be maintained. He considered it as a temporary measure, well calculated to remedy existing evils of the most alarming magnitude. But he was not prepared to say that it would do as a permanent regulation. The strongest reason for its adoption was to guard against the flood of paper money which was flowing with a swelling tide into the deposite banks from the sales of the public lands. This evil he hoped would be corrected by legislation before Congress adjourned, which, so far as that object was concerned, would supersede the Treasury order. But still the question is before us, and may have to be decided, in what currency shall the public revenue be collected? This was a question of great delicacy and magnitude. Great as he considered the evils of our paper system of money and credit, he did not see how this Government could provide a remedy. It certainly could not do it by any direct legislation; it had no power over the State banks, or their issues. The only power it could exercise upon the paper currency of the State banks was indirectly in the collection and disbursement of the revenue; and this was no small power, especially at a time like the present, when the revenues amounted to more than forty millions. A large portion of the whole currency of the country passes through your Treasury annually.

Mr. N. said he was not prepared to say to what extent this power could safely be exercised. He was satisfied, however, that it would not do at this time to collect the revenue in specie, exclusively. Congress had, no doubt, a right to do this; but, in the collection of so large an amount of revenue, we must have some regard to the business of the country, and to the ordinary currency used in commercial and other transactions. It is evident that we might adopt a rule which would occasion great inconvenience, and perhaps injustice, because the large sums of money received into the Treasury cannot well be collected in a currency not in general use. Whatever principle is adopted as a permanent regulation, ought to be uniform, and applicable to the customs as well as the lands. That, in the collection and disbursement of the public revenue, it will be proper to attempt to remedy some of the evils of the paper system, he had no doubt. We may, by our regulations, do something to increase the use and circulation of specie, and discountenance bills of small denominations. With regard to this important object, Congress had, perhaps, done all that it could by direct legislation. It has superseded the act of 1819, and legalized foreign coin; it has raised the standard of gold coin; it has established additional mints and greatly increased the annual coinage, and particularly that of gold, which has already become a new and important part of our metallic currency. The amount of specie in the country is greatly increased the last three years, for which this administration is entitled to great credit.

Mr. N. said that he could not assent to the proposition of the Senator from Massachusetts, who, if he understood him, contended that it was the right and the duty of Congress to regulate the whole currency of the country. By this, he understood the Senator to mean, that Congress had the power to regulate the paper issues of the State banks. If he did not refer to this description of currency, it was difficult for him to conceive to what his remarks were intended to apply. But whilst we were so emphatically informed that this was the duty of Congress, we were not told how it was to be done. In what way can Congress regulate the paper currency supplied by the State banks? The gentleman did not inform us: he seemed to have a studied caution and reserve on this point, and thereby hangs a tale. Mr. N. thought, however, there was no secret in the case. The views of the Senator have been heretofore disclosed. Sir, said Mr. N., the Senator would regulate the paper currency of the States by a paper currency of the Federal Government; he would regulate the banking institutions of the States by the agency of a Bank of the United States. This was the secret. A national bank is to be the regulating power. But the country thought the remedy worse than the disease; they had twice tried it, and knew what sort of a regulation it was. He was speaking of a national bank in a mere financial point of view, without any reference to constitutional or political objections; and, in this aspect of the question, he did not hesitate to say that the proposition of establishing a national bank, as a means of restraining and regulating the State banks, was the most preposterous one ever submitted to a deliberative body, and the boldest attempt ever yet made to practise on the gullibility of the people. That such an institution possessed, and would necessarily exercise, great power over the State banks, he was not disposed to deny; but the question was, whether that power would be exercised for good or for evil. The question is not whether it is a regulator, but whether it is a safe regulator; whether it tends to keep the paper currency of the country more stable, or to render it more fluctuating. He appealed to the experience of the country in the last twenty years to settle that question. When the great national bank throws out its money plentifully, the State banks do the same; they are invited to this course, and it is their interest to pursue it. When it curtails its discounts and its issues, the State banks are compelled to do the same; so that the result of this mode of regulating the paper currency of the country, through the agency of a national bank, is, to place in the hands of a few individuals the power to make money plenty or scarce at their pleasure. The currency of the country is made to depend on the interest, the caprice, or the passions, of one or more individuals. This is a power greater than that possessed by your Executive; and its terrible effects were experienced during the memorable year of the panic.

Mr. N. said that the present high prices of provisions and the necessaries of life were supposed to be inconsistent with the existing scarcity of money. There was nothing, however, extraordinary in this state of things; it was the case in 1819. The reaction was felt first upon

stocks, and those kinds of property which had a more intimate connexion with the money market; whilst the products of labor were less easily or immediately affected. When the prices of the necessaries of life are once raised, by an undue expansion of currency and credit, and consequent speculation, it takes a long time, often years, to bring them down. Labor is the last thing that is raised in price; but when it is, all the products of labor will of course be advanced, and may remain high for years; but the reaction which is going on must bring them down to their proper value.

The Senator from Ohio [Mr. EWING] has given a very novel explanation of the present high prices of breadstuffs. He says that this country will no longer export wheat or flour; that there is but a small belt of three or four degrees of latitude suitable for grain; and that, from the establishment of manufactures, the demand at home is greatly increased; so that hereafter we can do no more than supply the domestic demand. We are told, also, that Europe is a great grain country. But the Senator seems to overlook the great and important fact of the difference in the population of the two continents. The whole population of the United States is less than that of the British isles, which for several years have supplied the entire breadstuff for their whole population. At the time of the union, in 1750, England and Scotland had a population of seven millions and a half, and the agriculture of the country produced barely a supply of grain equal to the consumption; and since that time the population had more than doubled, yet the last two or three years no wheat had been imported. The production, by the improvement of agriculture, had increased considerably above one hundred per cent. and to what extent it might be increased remained to be known. Comparing this country to England, he did not doubt that its resources for grain, when properly developed, would be found sufficient to sustain a population of two hundred millions. The Senator's own State, and one adjoining, could produce grain sufficient for the present population of the whole Union.

Mr. N. said he would conclude what he had to say, by noticing one observation of the Senator from Ohio, [Mr. EWING.] That Senator did not seem to be satisfied with condemning the Treasury order as unconstitutional and illegal, and as the cause of the distress which has prevailed, but he seemed to think it necessary to assail the motives of its authors. He more than insinuated that the measure did not originate with the President or the Secretary of the Treasury. He seemed to allude to a power behind the throne, greater than the throne itself; but with whom that power existed, we were not informed. He expected every moment to hear that it was the "Kitchen Cabinet;" but the Senator had not expressly alluded to that famous council, which once exercised such potent influence over public affairs.

He thought that common justice required that the motives of the President should have been spared. This, however, had not been done. The Senator appeared to think that there was some wicked motive in the Treasury order; that the object of its authors was not what it imported, or what had been assigned. He says, the real object was to create embarrassment and distress throughout the country, and to charge the same to the operation of the deposite act of last session, and thereby render that measure unpopular with the people. This was the deep-laid plot which the Senator has discovered. Mr. N. said he would only say, in reply, that if any such purpose had any influence on the issuing of the Treasury order, it was the silliest scheme that ever originated from the fatuity of man. It could not be supposed that the act of last session was to be repealed, and, of course, there could be no other object but to render the principle of distribution unpopular. Sir, said Mr. N., the opponents of that principle do not desire the aid of any stratagem or artifice; they will not even take advantage of embarrassments and difficulties which the execution of that law has occasioned. These were temporary evils; they were foreseen at the time. He was one, and perhaps the last, who had come into the support of that measure; but he did it with the full belief that its immediate effect would be to increase the existing difficulties. In supporting the act, he did not consider that he sanctioned the principle of distribution. Had the Senate then been told, as it had now, by the Senator from South Carolina, [Mr. CALHOUN,] that in passing that act they would establish the principle of distributing surpluses from year to year, the bill could not have passed the Senate. Deeply and forcibly as many of us felt the condition of your Treasury; unwilling as we were that forty millions of the public money should remain, for several years at least, in the deposite banks, to be used as a capital, multiplying all the evils of our inflated paper system; anxiously and deeply as we were impressed with these evils, we should not entertain even a thought of relieving the country from them by sanctioning the principle of distribution. No, (said Mr. N.) that principle has not yet received the sanction of this body; but, it seems, it is to be pressed upon us the present session; and he trusted the opponents of the measure would be prepared to meet it, here and elsewhere, before the tribunal of public sentiment, where all questions affecting the great interests of the country and the safety of our institutions must ultimately come, and where the decision is not only final, but always safe, and usually correct. The opponents of this scheme want no extrinsic circumstances, or even temporary considerations, to bear on the question; all they ask is, to meet the principle in free, open, and fair discussion, upon its own intrinsic merits. If it is a sound and safe principle, in accordance with the constitution, consistent with the rights of the States, and conducive to the general prosperity, it will doubtless be sustained; but if it shall appear to be in conflict with the spirit of the constitution, fraught with mischief, tending to corruption, and dangerous to the rights and independence of the States, it could not stand, either here or before the popular tribunal of the country.

Mr. N. said he had concluded what he had to say, and had detained the Senate much longer than he intended.

Mr. RIVES said he thought the observations just made by his friend from Connecticut [Mr. NILES] showed conclusively that there were insuperable objections to the adoption of the resolution proposed by the honorable Senator from Ohio, [Mr. EWING,] for rescinding the Treasury order of 11th July last. In the first place, the form of the proceeding was altogether unusual and inappropriate. It proposed to rescind an executive act. But the business of Congress was not to invalidate or to confirm executive acts, but to pass laws; or in other words, establish rules operating in *futuro*, to which executive action would thereafter conform. The action of the legislative authority ought to be original, independent, and prospective, and to bear on its face no reference to the acts of any other department.

Indeed, it is difficult to conceive what reason there can be for giving the particular form proposed to the action of Congress in this case, unless it be to imply a censure on the act to be rescinded. But however unprepared I may be at present, said Mr. R., to make the provisions of the Treasury circular the permanent policy of the Government, I will not concur in any proceeding which shall cast a censure on the Executive for issuing it. Whatever may have been, or may still be, its actual operation, (and on this point the diversity of testimony and opinion among those far better informed than I have

any means of being, is so great as to render any judgment I might be able to form of but little weight,) of one thing I am well persuaded, that the motives which induced the Chief Magistrate to direct it to be issued were of the most honorable and patriotic character. I must say, also, that notwithstanding the ability and talent displayed on this, as on all other occasions, by the learned gentleman from Massachusetts, [Mr. WEBSTER,] he has not, in my humble judgment, succeeded in establishing any want of legality in the measure adopted by the Executive. Whatever rule, therefore, Congress may deem it necessary and expedient to establish for the future collection of the public revenue, I shall, for one, be opposed to any mode of action on the subject, which shall imply a censure for the past.

The honorable Senator from Connecticut [Mr. NILES] has, in my judgment, presented the executive order of July last in its true light, as a temporary and occasional act, growing out of an extraordinary state of things then existing. It was designed to meet that state of things, and may have been wise and salutary as a temporary act, to operate until the meeting of Congress, while its continuance as a permanent legislative rule would be inexpedient. The President himself evidently regards it in this light. In his message, at the commencement of the session, he submits the whole subject for the consideration of Congress; and while he recommends to them earnestly the adoption of some measure for limiting the sales of the public lands, he attaches but little importance to the future requisition of specie in payment for them. Now, sir, I beg leave to say, in advance, that any practicable and equal measure, which shall be digested by the gentlemen of the West, to prevent the great evil of a monopoly of the public domain in the hands of speculators, shall meet with my hearty concurrence. A bill for that purpose is already before us, and, without having examined, or being prepared to express an opinion of its details, I hope it will receive the prompt consideration and action of Congress.

But to return to the Treasury order. The President has done what he deemed his duty, under the peculiar and extraordinary circumstances of the emergency. We are now called upon to do ours, in establishing some definite and permanent rule for the future collection of the revenue. An indispensable characteristic of any permanent system must be its uniformity. The genius of our constitution demands equality in the laws, and especially in the fiscal operations of the Government. It does not allow, as a permanent regulation, that specie shall be required in payment of one branch of the revenue, while bank notes are received for another—that one rule of collection shall prevail in the West, and another in the East. Whatever medium of payment, therefore, Congress shall prescribe for one portion of the public dues, ought to be extended to every other.

Shall that medium, in public receipts and disbursement, be specie exclusively? Even if this should be the ultimate policy of the Government, the country is, in my opinion, not yet ripe for its adoption. Specie must first diffuse itself more generally through the ordinary business of society, the common channels of circulation must be better filled with the metallic currency, before the Government can, with justice to the public debtor, sternly demand payment of its dues in gold and silver exclusively. The only effectual means by which a larger circulation of gold and silver in the general trade and business of the community can be obtained, is the suppression of bank notes of the smaller denominations. This is that practical reform of the currency which has been held steadily in view by the present administration and its friends; and in preparing for which, much has already been accomplished in the important steps of putting down the Bank of the United States; correcting by law the under-valuation of the gold coins; in the largely increased coinage and importation of both gold and silver; in the salutary influence exerted by the Treasury, through the collection and disbursement of the public revenue, over the leading State banks, and in the enlightened policy adopted by a majority of the States, in beginning a suppression of the smaller notes. It can be carried fully into execution only by a continued co-operation of the General and State Governments, on the same sound and practical views. Like every other great reform, it must be gradual and progressive. In unduly precipitating the process, there will be danger of inauspicious reactions; and in the view of the great body of the community, whose material interests are always liable to be bruised and shocked by sudden and violent changes, the remedy might unfortunately come to be looked upon as worse than the disease.

While, therefore, I would steadily persevere in the wise policy of enlarging the specie circulation of the country, (the first efficient commencement of which has been made under the present administration,) I would carefully abstain from compromising the success of so important a reform by any premature or precipitate experiment, which might endanger reaction. The present occasion may, with great propriety, be embraced, to make another safe advance in the prosecution of that reform, by laying a restriction on the receipt, in public collections, of the notes of all banks issuing bills under certain denominations. The joint resolution of 1816 ought to be remodelled, and adapted to the present condition of things. Some of its provisions have become obsolete. Of the four media of payment, in the collection of the public dues, recognised by it, two no longer exist, to wit: Treasury notes, and notes of the Bank of the United States, as a national currency. Of the remaining two, specie and the notes of specie-paying banks, the latter ought in my opinion to be subjected to additional restrictions, especially such as may have a tendency to promote the great practical reform of a suppression of the small notes. But, while the notes of specie-paying banks are treated by all the world, in private transactions, as equivalent to specie, I do not think the Government would be justified in refusing them in public collections altogether, until gold and silver shall, by the previous suppression of small notes, have taken the place more generally of a paper currency.

What has appeared to me best to be done, under existing circumstances, is a revision and modification of the joint resolution of 1816, adapting it to the present condition of things, and providing that all sums of money accruing to the United States, whether from customs, public lands, or otherwise, shall be received only in gold and silver, or in notes of banks paid on demand in gold and silver, but with the following restriction as to such notes, with a view to encourage the disuse and suppression of the smaller bank issues, and thereby enlarge the specie circulation; that is, from the passage of the law, no notes to be received in public collections of any bank, though a specie-paying bank, which shall issue bills or notes of a less denomination than five dollars, and the like prohibition to be gradually extended, (allowing due time for the change,) first to the paper of banks issuing bills of a less denomination than ten dollars; and, finally, to that of banks issuing bills or notes of a less denomination than twenty dollars. I would add also this farther limitation: that not even the notes of specie-paying banks of the above descriptions should be received, unless they were such as the banks in which they were to be deposited, should agree to pass to the credit of the United States as cash; obtaining thus a double guarantee for the soundness and safety of the public collections, and making the whole transaction, to every practical purpose, equivalent to a payment in specie.

A measure of this kind would, in my opinion, best satisfy the exigencies of all the public interests involved, whether of the revenue, the currency, or the general business of the community, and would conform to the sense of the country at large. I have drawn up, Mr. President, a resolution, founded upon and imbodying these views; but I am embarrassed by a question of order, in placing it regularly before the Senate at the present moment. I will, however, take the liberty of reading it to the Senate, and will cheerfully conform to any suggestions which may be made as to the best manner of disposing it.

The call of the ayes and noes on the second reading of Mr. EWING's resolution was then withdrawn, and it was passed to a third reading by general consent, in order to admit a motion to amend: and it being then allowable to offer an amendment, Mr. RIVES moved to amend it by striking out all after the word "*Resolved*," and inserting in lieu of it his own resolution, as follows:

Resolved, That hereafter all sums of money accruing or becoming payable to the United States, whether for customs, public lands, taxes, debts, or otherwise, shall be collected and paid only in the legal currency of the United States, or in the notes of banks which are payable and paid on demand in the said legal currency, under the following restrictions and conditions in regard to such notes: that is, from and after the passage of this resolution, the notes of no bank which shall issue bills or notes of a less denomination than five dollars shall be received in payment of the public dues; from and after the first day of July, 1839, the notes of no bank which shall issue bills or notes of a less denomination than ten dollars shall be receivable; and, from and after the 1st of July, 1841, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars; but the public debtors shall have the option of paying either in the said legal currency, or in the notes of banks of the description above mentioned, in good credit: provided, however, that no notes shall be taken in payment by the collectors or receivers, which the banks in which they are to be deposited shall not be willing to pass to the credit of the United States as cash.

The amendment was ordered to be printed; and then,

On motion of Mr. HUBBARD,

The Senate adjourned till Monday.

MONDAY, DECEMBER 26.

HEIRS OF COLONEL PHILIP JOHNSTON.

Mr. WALL presented the petition of Maria Scudder, Martha A. Lloyd, and Elizabeth Johnston, the children and heirs of Colonel Philip Johnston, for compensation for his revolutionary services.

Mr. W. remarked: On presenting this petition, I feel that I should not discharge the duty which I have undertaken for the respectable petitioners, nor do justice to the State which I have the honor in part to represent, if I did not avail myself of the occasion to make known to you the merits and services of one of her most gallant and patriotic sons. Colonel Philip Johnston, the father of the petitioners, was among the first of her sons which the devoted patriotism of New Jersey offered on the altar of American independence. Never, sir, was there a more pure and noble sacrifice made on that altar.

At the declaration of independence, Philip Johnston was a lieutenant colonel in the New Jersey militia; he had been appointed to that rank by an ordinance of the Provincial Congress of New Jersey, passed on the 14th of June, 1776, providing to raise, by voluntary enlistment, 3,300 militia, to reinforce the army at New York. This ordinance was passed in pursuance of the resolution of the Continental Congress of the 3d of the same month. On the 1st of August following he was promoted to the colonelcy of his regiment in the brigade under General Heard, destined to form part of the flying camp, then assembling, for the defence of New York. It was then well known that the enemy, with a powerful fleet, and a well-disciplined and appointed army, was menacing New York. This was, indeed, "the time that tried men's souls." The timid sought safety in retirement, and the wavering were dismayed.

At this moment the earnest and soul-stirring appeals of the Father of his Country to the patriotism and bravery of Americans, roused the patriotic spirit of the sons of New Jersey:

> "And from the sods of grove and glen,
> Rose ranks of iron-hearted men,
> To battle to the death."

The reputation of Colonel Johnston for patriotism, bravery, and talents, enabled him speedily to enlist his regiment, and at its head he marched to defend his "bleeding and enfeebled country." He was then in the vigor of manhood, in the possession of a moderate competency, and the prospects of the future bright before him. These, and all the endearments of the domestic circle, a young and beloved wife, and three daughters of tender years, he left at the call of his country.

The morning of the 27th of August, 1776, found Colonel Johnston at the head of his gallant regiment, on the battle-ground of Long Island, resolved, in the language of his illustrious commander-in-chief, "to conquer or to die." He fought near the side, and under the eye of his immediate commander, General Sullivan. It was a post of danger as well as of honor, and demanded both courage and conduct. Never did any officer more gallantly fulfil the expectations of his country, or more gloriously earn a title to the blessings and praises of his countrymen. He fell at the head of his regiment by a wound in his breast, and bravely struggling to turn the fortunes of that disastrous day. He died for his country, and under its banner, fighting for the general defence, and to secure the blessings of freedom for his whole country.

Yes, sir, he died in the cause and service of America, for the liberty and rights of all, and left to his countrymen an inestimable legacy, the example of his pure patriotism, his devoted courage, his chivalrous gallantry, and his glorious death. Who can calculate the extent, the influence, and the value, of that example upon the fortunes of our country at that gloomy and trying period, when even "hope was sinking in dismay!" Well, sir, may New Jersey glory in the example of such a son. It marshalled the way to those "heroic deeds" which have immortalized our revolutionary sires.

> "'Tis to the virtues of such men man owes
> His portion in the good that Heaven bestows;
> And when recording History displays
> Feats of renown, though wrought in ancient days,
> Tells of a few stout hearts who fought and died,
> Where duty placed them, by their country's side;
> The man that is not moved by what he reads,
> That takes not fire at their heroic deeds,
> Unworthy of the blessings of the brave,
> Is base in kind, and born to be a slave."

Sir, no monument has been erected, by the gratitude of his country, to the memory of Colonel Johnston; no recorded honors thicken around his tomb; no history displays his "feats of renown;" for, unfortunately for his memory, the revolutionary history of New Jersey is yet to be written. His fame rests in the memory of his few surviving gallant companions in arms, or happily may be faintly recorded among the memorials of frail and decaying memory in the Pension Office. One memorial of the "heroic deeds" of Colonel Johnston, gathered from the

only whig newspaper of the day, that circulated in New Jersey, blotted with the tears of his widowed wife and fatherless daughters, has been treasured up by their affection, and is annexed to their petition. With your permission, Mr. President, I will read it:

"We hear that, in the late action on Long Island, Colonel Philip Johnston, of New Jersey, behaved with remarkable intrepidity and fortitude. By the well-directed fire from his battalion, the enemy was several times repulsed, and lanes were made through them, until he received a ball in his breast, which put an end to the life of as brave an officer as ever commanded a battalion. General Sullivan, who was close to him when he fell, says that no man could behave with more firmness during the whole action. As he sacrificed his life in defence of the invaded rights of his country, his memory must be dear to every American who is not insensible to the sufferings of his injured country, and as long as the same uncorrupted spirit of liberty which led him to the field shall continue to actuate the sons of freemen in America."

Mr. President, the tree of American liberty was nourished by the blood of such heroes.

But, Mr. President, when the husband and the father, at the call of his country, steps from the circle of domestic endearments, a patriot and a hero, it is the safety and protection of his wife and children that nerves his arm and animates his exertions in the hour of battle; and if he falls, his last prayer is for his country, and his last earthly consolation is, that his death commits them to its gratitude and protection. This obligation, which springs from the grave of heroism, is sanctioned by the purest and noblest feelings of our nature, and the highest dictates of policy, and creates a debt which descends upon all who inherit the blessings thus acquired. If, sir, the claim of the petitioners had no other foundation than this, it would, in my humble judgment, be irresistible. But it does not rest on this alone; it is supported by the plighted, and, I am sorry to say, the unredeemed, faith of their country. To say nothing, sir, at present, of the pledge fairly to be implied from the addresses of General Washington calling the militia to arms, and animating them to battle, that the country would provide for their wives and children, this pledge was distinctly made to Colonel Johnston and his companions in arms. On the 3d of June, 1776, Congress resolved that 13,800 militia should be employed to reinforce the army at New York, and that New Jersey be requested to furnish 3,300 of their militia to complete that number, to be engaged until the 1st of December, unless sooner discharged by order of Congress. This was to form the flying camp destined for the defence of New York. On the 5th of June, 1776, Congress resolved that the flying camp be placed under the command of such continental general officer as the commander-in-chief should direct. That the militia, when in service, be regularly paid and victualled, in the same manner as the continental troops. General Mercer was appointed to the command of the flying camp, thus formed, on the 20th July, 1776. The Convention of New Jersey was requested by Congress to raise for the flying camp, under General Mercer, three battalions of militia, in addition to the five formerly desired by Congress, and send the same with all possible despatch to the flying camp; and that they should be officered, paid, and provided, as directed by the former resolutions for forming the flying camp.

Thus, sir, it is plain that the detachment of New Jersey militia required to form the flying camp for the defence of New York, was called out by the Continental Congress, and for the general defence of the country; and was placed in the service of the United States, under the command of continental officers, and on the same footing in all respects as continental troops. In fact, the battalion commanded by Colonel Johnston was enlisted under a resolution of Congress, placed under its control, received into its service, commanded by its officers, and entitled to all the benefits and advantages, immediate and prospective, which resulted from that situation. So it was considered by the Convention of New Jersey, in the several ordinances which they passed to raise the men required to reinforce the army at New York.

In the last ordinance passed by the Convention of New Jersey, on the 11th August, 1776, to carry into effect the resolutions of Congress to which I have referred, the preamble recites: "The Convention, viewing with serious concern the present alarming situation of this and her sister States—that on a prudent use of the present means depend their lives, their liberty, and happiness, think it their indispensable duty to put their militia on such a footing that the whole force may be most advantageously exerted." For that purpose, the whole militia were classed in two divisions, and one half were immediately detached to join the flying camp at New York.

After the appropriate details, that ordinance concludes in a strain of patriotic eloquence unknown to the rolls of statutes, and which I cannot deny myself the pleasure of recalling to the recollection of our country. It breathes the pure spirit of "'Seventy-six."

"And whereas the principles of equity and humanity require that a proper compensation and provision should of made for the families of all such as may be killed or wounded in the service, the Convention pledge the faith of this State that an adequate provision for the purpose aforesaid shall be made.

"In this interesting situation, viewing, on the one hand, an active, inveterate, and implacable enemy; increasing fast in strength, receiving large reinforcements, and industriously preparing to strike some decisive blow; on the other, a considerable part of the inhabitants supinely slumbering on the brink of ruin, moved with affecting apprehension, the Convention think it incumbent upon them to warn their constituents of their impending danger. On you, our friends and brethren, it depends this day to determine whether your wives, your children, and millions of your descendants yet unborn, shall wear the galling, ignominious yoke of slavery, or nobly inherit the generous, the inestimable blessings of freedom. The alternative is before you. Can you hesitate in your choice? Can you doubt which to prefer? Say, will you be slaves? Will you toil, and labor, and glean together a little property, merely that it may be at the disposal of a relentless and rapacious conqueror? Will you, of choice, become hewers of wood and drawers of water? Impossible. You cannot be so amazingly degenerate as to lick the hand that is raised to shed your blood. Nature and nature's God have made you free. Liberty is the birthright of Americans—the gift of Heaven; and the instant it is forced from you, you take leave of every thing valuable on earth: your happiness or misery, virtuous independence or disgraceful servitude, hang trembling in the balance. Happily, we know that we can anticipate your virtuous choice.

"With confident satisfaction we are assured that not a moment will delay your important decision; that you cannot feel hesitation whether you will tamely and degenerately bend your necks to the irretrievable wretchedness of slavery, or, by your instant and animated exertions, enjoy the fair inheritance of heaven-born freedom, and transmit it unimpaired to posterity."

It was under this animated and eloquent appeal to his patriotism, and solemn pledge that a proper compensation and provision should be made for his family, that Colonel Johnston marched to the field of his death and renown.

That pledge, sir, was never redeemed by the State of New Jersey; and that pledge devolved upon the United

States, and was solemnly assumed by them when they assumed the revolutionary debt and obligations of the several States. It rests upon the equity and humanity of those who are now enjoying the fair inheritance of freedom which Colonel Johnston died to obtain. In addition to all this, the claim of the petitioners is also sustained by the equity, if not the express letter, of various resolutions of Congress. I refer particularly to those of the 15th May and 26th September, 1778; the 24th August, 1780, and the 26th May, 1781. It is likewise sanctioned by several laws of Congress, making compensation for revolutionary services in analogous cases, which I forbear to detain you by enumerating.

Strong as the claim of the petitioners is upon its own merits, there is another consideration which, sir, I feel bound to press on your attention. It appears that one of the petitioners is the wife of Joseph Scudder, Esq. His youth was devoted to the service of his country, in one of the bureaus established by the Revolution. He is the surviving son of Colonel Nathaniel Scudder, one of that illustrious band of revolutionary patriots and heroes who devoted himself to the service of his country, both in the cabinet and in the field, and was alike distinguished for his wisdom as a statesman, and bravery as a soldier. Among the first in his native State to espouse the cause of American independence, he was, from its declaration until his death, honored with a seat either in the councils of his native State, or in Congress. But he did not avail himself of the exemption which his civil employments conferred to relieve him from military duty.

At an early period of the revolutionary war, Colonel Scudder was honored with the command of a regiment of militia of his native county, then peculiarly exposed to the invasion of the enemy. In the hour of danger he was always to be found at its head, bravely defending his native soil. But it was not his fate there to fall in all "the pride, pomp, and circumstance of glorious war." He was killed on the 16th October, 1781, near Black Point, in the county of Monmouth, while bravely leading such of his fellow-soldiers as could be collected on a sudden alarm, to repel a predatory excursion of the enemy. The honors of war were the only public tribute paid to his memory; and to this day his children have neither asked nor received any thing from the bounty of their country as a compensation for their irretrievable loss.

Thus, sir, by a happy coincidence, this petition presents before you the daughter of the first militia colonel of New Jersey, and the son of the last who fell in achieving our glorious independence. Never did death confer greater honor upon children. If it cannot disarm poverty of its miseries, it ennobles it.

The children of Colonel Johnston, now aged, infirm, and, it gives me pain to add, poor, are compelled to ask of their country the redemption of that pledge, solemnly made to their father, to relieve them from the severe pressure of misfortunes which have resulted from neither crime nor vice. Their father died on the first battle-field where the star-spangled banner was unfurled in defence of American independence; that glorious prize for which he fought and died, which animated his exertions and nerved his arm when that banner waved fitfully over the field of his death and his country's misfortunes, has been obtained by his country. The star-spangled banner now waves in triumph "over the land of the free and the home of the brave," the pride and protection of a great, prosperous, and happy nation.

The petitioners now submit their case to the equity, the humanity, and plighted faith of their country.

Mr. W. concluded by moving that the petition be read, and referred to the Committee on Revolutionary Claims; which motion was agreed to.

THE EXPUNGING RESOLUTION.

Mr. BENTON laid on the table a resolution to expunge from the journal of the Senate the resolution of March, 1834, censuring the conduct of the President for removing the deposites from the Bank of the United States, &c.; which was ordered to be printed. [The resolution is in the same words with the one on the same subject introduced by Mr. BENTON at the last session.]

After transacting some other business,

The Senate went into executive business; and when the doors were opened,

The Senate adjourned.

TUESDAY, DECEMBER 27.

ADMISSION OF MICHIGAN.

A message was received from the President of the United States, through A. JACKSON, jr., his private secretary, on the subject of the admission of Michigan into the Union, with documents, stating that Michigan, by convention, had, at a late day, complied with the regulations of the conditional act of admission.

Mr GRUNDY moved that the message and documents be printed, and referred to the Committee on the Judiciary.

Mr. BENTON remarked that, as the President had given his opinion that Michigan had complied with the requisite terms of admission, and as he had said that he should have issued his proclamation accordingly, had the information arrived during the recess of Congress, he (Mr. B.) regarded the proposed reference as a mere matter of form, and would prefer that a joint resolution of admission should forthwith be passed by both Houses.

Mr. GRUNDY said he would still prefer the course which he had suggested, and on this account: that the first convention had not assented to the terms of admission, but another convention had decided to accede to the proposition made by the Congress of the United States. The great inquiry now was, are the proceedings in accordance with the act of admission? The decision of which question depends on information which ought to be ascertained before the actual admission, though the President had said that, in his opinion, all was right, and, if the information had come during the recess, he would have acted accordingly. Mr. G. had no design to produce any delay, by a reference to a committee. He should not withdraw his motion, and he hoped the Senator would withdraw his opposition.

Mr. BENTON said that, as the committee might draw up a joint resolution for admission to-day, he should not oppose the reference.

The message was referred accordingly.

THE TREASURY CIRCULAR.

The Senate now proceeded to the special order, the further consideration of the joint resolution introduced by Mr. EWING, of Ohio, on this subject, the question being on the amendment or substitute offered by Mr. RIVES to that resolution; which substitute proposes to refuse to receive for the public dues the bills of such banks as issued, after certain specified periods, bills under certain specified denominations; the substitute also leaving in the power of the deposite banks to refuse such funds as they may think proper.

Mr. HUBBARD, who was entitled to the floor, rose and addressed the Chair as follows:

Mr. President: Although it was on my motion that the Senate adjourned on Thursday last, yet, in moving for the adjournment, it was not then my intention to address the Senate this morning upon the subject now under consideration. But as I shall have no better opportunity to express my own views with reference to

the deposite bill of the last session, which seems to be involved in this discussion, and as I have been, in connexion with my colleague, most grossly misrepresented in relation to our vote upon that bill, and as the principles of that bill have been most strangely misunderstood—certainly most falsely and perversely stated in the public journals—I will avail myself of the opportunity now presented, briefly to express the considerations which induced me to give my support to that measure. Before, however, I proceed to notice that bill, I shall advert to the resolutions of the Senator from Ohio—shall endeavor to explain their object, and, in my apprehension, the impracticability of accomplishing the object intended, in the way and manner proposed. The resolutions offered by the Senator from Ohio are as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Treasury order of the eleventh day of July, anno Domini one thousand eight hundred and thirty-six, designating the funds which should be receivable in payment for public lands, be, and the same is hereby, rescinded.

"*Resolved, also*, That it shall not be lawful for the Secretary of the Treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs, or for the public lands; nor shall he make any discrimination in the funds so receivable, between different individuals, or between the different branches of the public revenue."

The first resolution seeks to repeal the Treasury order—"the specie circular," as it is called—of the 11th of July, 1836. The second is intended to prohibit the Secretary of the Treasury, by his authorized agents, from directing what funds shall be received for customs, or for the public lands, and prohibiting him from making any discrimination in the funds so receivable between different individuals, or between the different branches of the public revenue. The main purpose of the resolution is to rescind the order of the Executive, bearing date on the 11th of July, 1836, directed to "receivers of public money and to the deposite banks."

Can this be accomplished? Is this matter within our power? It seems to me that if these resolutions should pass both Houses of Congress, the object which the Senator from Ohio has in view would not thereby be effected. If the order of the 11th of July, 1836, was issued by authority of law, the resolution of the Senator from Ohio should seek to repeal the law upon which the order is based, and which gave authority for issuing the order. If the order of the Secretary of the Treasury has not been issued in pursuance of law, the order itself is of no effect; and any resolution which we could pass, rescinding such an order, would be alike ineffectual.

If the Secretary had the legal power to send forth the order, it is beyond the legislative control of Congress. If the Secretary, or the President, through the Secretary, had the right to promulgate the circular, he may be answerable for the manner in which he exercises that right; but the act cannot itself be repealed by any legislation of Congress.

If the Secretary had not the authority, the power, the right to issue the order, then the order itself is perfectly nugatory.

The Executive is an independent branch of the Government. The Senate can have no more power over the rightful acts of that branch of the Government, than it has over an order of the House of Representatives, or an order of the Judiciary.

One branch of the Government, exercising its powers and its duties within the constitution and the law, cannot have its acts rescinded and set at nought by the action of any other branch of the Government.

If the order, then, has been issued by the Secretary of the Treasury in pursuance of law, the mode proposed to get rid of it is objectionable, and, in my view, unwarrantable. If not issued in pursuance of law, the adoption of the resolution would seem to me equally objectionable and unwarrantable. In such a case, the officer should be, and ought to be, held amenable for such an assumption of power. It therefore occurs to me, that the object the Senator from Ohio has in view cannot be attained in the way proposed; and if the last resolution of the Senator from Ohio should be adopted, it seems to me that the direct effect would be to prohibit receivers from accepting the paper of local banks, under any circumstances, in payment of the public dues. It proposes, in terms, to take the power from the Secretary of the Treasury to designate the kind of money receivable; and, should it be adopted, if any effect shall be produced whatever, it will be to exclude from the offices of our receivers all local bank paper. They would be bound to take nothing but gold and silver, unless the joint resolution of April, 1816, is imperative and obligatory; and if that be so, the Executive had no authority to restrain the legal operation of that resolution; for, if binding, it gives to the debtor rights which cannot be infringed or taken away by executive power. If the order of July 11, 1836, was unauthorized, the resolution to rescind it would be unnecessary. Its adoption could not prevent the immediate promulgation of a similar order, in case the Executive, charged with the execution of the laws, should consider it to be his duty to do so. To accomplish the object the Senator from Ohio has in view, we must go beyond the order itself; we must go to the law on which that order was based, and in the execution of which it is presumed that the order in question was issued. To render the order of no effect, we must amend the law.

I propose, Mr. President, first to examine the question, whether the Executive had a legal authority to issue the order of the 11th of July, 1836; and, if he had the power, whether it was a matter of policy for him to exercise it at the time and under the circumstances he did.

Had the President, through the Secretary of the Treasury, the power to issue the order of the 11th of July last?

On this point I can entertain no doubt. It seems to my mind to be clear and free from difficulty; and so far from its being a wanton assumption of power, so far from its being illegal, it is a power in strict accordance with the requisitions of existing laws, and which the President, charged with their execution, was bound to issue if he considered the public interest demanded it.

The public lands were the property of our common country; they had been obtained by the sacrifices and services, the blood and the treasure, of the whole republic, during the war of the Revolution; and they were early pledged for the payment of the public debt, necessarily incurred in the establishment of our national independence.

An act of Congress which has reference to the sale of the public lands was passed May 18, 1796, and makes no particular designation as to the kind of money receivable. It fixes the minimum price at two dollars per acre, and directs that, "upon payment of a moiety of the purchase-money, the purchaser shall have a year's credit for the residue."

The act of March, 1797, declares "that the evidences of the public debt of the United States shall be receivable in payment of any of the lands which may be hereafter sold in conformity to the act" of 1796.

The fifth section of the act of May 10, 1800, provides, "That no lands shall be sold by virtue of this act, at either public or private sale, for less than two dollars

per acre, and payment may be made for the same by all purchasers, either in specie, or in evidences of the public debt of the United States," at certain rates, which are prescribed in the act. And thus the law stood until 1820, when the credit system was abolished. From a view of these several acts, it results that, under the act of 1796, there was no particular designation of the kind of currency receivable for the public lands; but the payments were to be made "in money," that is, the legal currency of the country. Under the act of 1797, evidences of the public debt were made receivable for the public lands; and under the act of 1800, specie or evidences of the public debt were required in payment. Such was the law, and such was the practice under the law, with reference to the public lands, until the act of April, 1820, except it was provided, by the particular provisions of the act of 1812, that Treasury notes were made receivable for all public lands sold by the authority of the United States.

The fourth section of the act of the 24th of April, 1820, making further provision for the sale of the public lands, seems to my mind to settle the question as to the legality of the specie circular conclusively. It declares, "That no lands shall be sold, at any public sales thereby authorized, for a less price than one dollar and twenty-five cents an acre, nor on any other terms than that of cash payment."

The requisition is, that the sales of the public lands shall not be made on any other terms than that of "cash payment." There cannot be two opinions, here or elsewhere, as to the import of the terms "cash payment." It means payments in the constitutional or in the legal currency of the country, in gold or silver, or in the paper currency which had been previously established by law. By acts of Congress, Treasury notes were at one time receivable for the public lands, and bills of the Bank of the United States were made receivable by the provisions of the charter itself. But at the date of the specie circular no such legislative provisions were in force. There was, then, no legal obligation at the date of that order to receive any thing for the public lands, or for the customs, but gold or silver, unless that obligation is imposed by the joint resolution of the 30th of April, 1816.

It is perfectly true, that, in practice, the legal obligation has been relaxed; but it is not believed to have been done at the risk of the Government. Paper money, beside the bills of the Bank of the United States, had been received; and our collectors were in the habit of receiving the paper of some State banks, at particular times and places, and under peculiar circumstances, for the debts due to the Government; but such collections were upon the responsibility of the receivers. The relaxation of the rule of law had been for individual accommodation.

I have stated that, by the express terms of the charter, the bills of the Bank of the United States were made receivable for customs and for public lands. But the Bank of the United States, which was made the depository of the money of the United States, would not receive in deposite all State bank paper as cash, although of the description as stated in the resolution of 1816. That charter expired on the 3d of March last, and the President of the United States, in his annual message to Congress, December, 1835, remarks, that "It is incumbent on Congress, in guarding the pecuniary interests of the country, to discontinue, by such a law as was passed in 1812, the receipt of the bills of the Bank of the United States in payment of the public revenue;" and, in pursuance of this recommendation of the President, Congress did, at the last session, repeal, in express terms, the 14th section of the act chartering the Bank of the United States. It will be found by that section that the bills of that bank were made receivable for the public dues. I will read the act of the last session in relation to this matter, as it has been urged in argument that the message of the President, and the consequent action of Congress thereon, had reference to a different matter. That act declares:

"That the 14th section of the act entitled 'An act to incorporate the subscribers to the Bank of the United States, approved April 10, 1816,' shall be, and the same is hereby, repealed."

This was but an answer to the message; it had no sort of reference to the resolution of 1816, nor had the message any such reference.

On the 11th of July, 1836, there was nothing then in the way of this circular, but the joint resolution of the 30th of April, 1816. I propose to refer to the history of our own legislation, as affording us some light upon this interesting subject of the currency. It will be found that as early as the 31st of July, 1789, Congress passed an act "to regulate the collection of duties," and the 30th section of that act requires:

"That the duties and fees to be collected by virtue of this act shall be received in gold and silver coin only;" and goes on to establish the rates at which foreign gold and silver should be taken and received. This act was repealed by the act of August 4, 1790; but it will be found that, by the 56th section of the act of Congress passed in August, 1790, a provision precisely similar is introduced, which was contained in the act of 1789.

The mint was established on the 12th of April, 1792; and by the 16th section of that act of Congress it is provided "that all the gold and silver coins which shall have been struck at and issued from the said mint, shall be a lawful tender in all payments whatsoever; those of full weight according to the respective values hereinbefore declared, and those of less than full weight at values proportionate to their respective weights."

Thus it appears that by the acts of Congress, not only foreign gold and silver coins at certain rates were made receivable, but also the gold and silver coins struck at our mint were also made a lawful tender.

The first United States Bank was chartered on the 21st of February, 1791; and it will be seen, by a reference to the 10th section of that act of Congress, "that the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the United States." And thus, by the express enactment of Congress, were the bills of the United States Bank made receivable for all debts due to the Government; and by a reference to the 74th section of the act of the 2d of March, 1799, which repeals the act of August, 1790, and which "regulates the collection of duties on imports and tonnage," it will be found "that all duties and fees to be collected shall be payable in the money of the United States, or in foreign gold and silver coins" at fixed rates.

By the act of Congress of June 30, 1812, it is provided "that Treasury notes, wherever made payable, shall be everywhere received in payment of all duties and taxes laid by the authority of the United States, and of all public lands sold by the said authority."

On the 19th of March, 1812, Congress passed an act expressly repealing the 10th section of the act incorporating the subscribers to the first Bank of the United States.

Between, then, the 19th of March, 1812, and the 10th of April, 1816, when the second United States Bank was chartered, American and foreign gold and silver, and Treasury notes only, were receivable for the public dues; and, as I have before said, it is provided by the fourteenth section of the act establishing the late Bank of the United States, "That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, shall be receivable in all

payments to the United States, unless otherwise directed by act of Congress."

And the section next following assigns a good reason why this preference was so decidedly given to the bills of the Bank of the United States; for no one can doubt that this fourteenth section gave to the paper of that bank a currency and a circulation which it never could have had if that had not have been incorporated in the charter. The 15th section provides "that during the continuance of the act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place within the United States, and for distributing the same in payment of the public creditors, without charge."

And the next following section provides "that the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary shall otherwise direct," &c. It was clearly intended, by the introduction of the fourteenth section into the charter, to grant an important and exclusive privilege to the bank; and it is just as clear to my mind that the bank was bound to receive in deposite "the money of the United States," and to transfer, without charge, that money, which constituted the public funds, from place to place, as required.

The currency which the bank was bound to receive in deposite, and which constituted the "public funds," was foreign coin at fixed rates, the coinage of our own mint, and Treasury notes. The bank could not have refused to have received either of these descriptions of currency, and it never did refuse so to do. Thus matters stood when, in just twenty days after the bank was established, comes the resolution of the 30th of April, 1816, and it certainly cannot be unimportant to inquire how this resolution happened to be offered, and how it happened to be adopted. A character is now given to it which I never supposed it was entitled to, and hence it may be useful to trace its origin, in order to determine its true character and object.

It is now not only matter of public history, but must be within the particular recollection of the members of the Senate, that, during the last war, the banks in New York, and west and south of New York, had stopped payment. The banks of New England did not, during that period, suspend specie payments. But the banks first referred to had issued a flood of paper on individual security, and on a pledge of Treasury notes; an amount which, at the time, the banks themselves were wholly unable to redeem. Much of this depreciated uncurrent paper had found its way into the public Treasury for customs and for lands. No man can say that the receipt of this money was not an entire departure from the requisitions of existing law. But still its receipt seemed to be unavoidable; it was the only money in circulation in New York and west of New York; and although the acts of Congress expressly required that the customs should be received only in gold and silver, and Treasury notes, yet, considering the particular crisis, and the peculiar circumstances of the country, it was next to an impossibility for the public receivers and collectors to observe expressly and literally the law; and hence an immense amount of this depreciated paper had accumulated in the public Treasury. The banks themselves were receiving enormous profits upon their issues; and the funds of the Government were in most imminent jeopardy. The Secretary of the Treasury could not, at the time, if he would, upon his own motion, without the order and direction of Congress, have checked this growing evil; he could not have changed the course.

The author of the resolution himself, in a most able speech which he made in the House of Representatives, with reference to this subject, much better expressed than I can the character and extent of the then existing evil, and the requisite remedy therefor. He remarked:

"What was the present evil? Having a perfectly sound national currency, and the Government having no power in fact to make any thing else current but gold and silver, there had grown up in different States a currency of paper, issued by banks setting out with the promise to pay gold and silver, which they had been wholly unable to redeem; the consequence was, that there was a mass of paper afloat, of perhaps fifty millions, which sustained no immediate relation to the legal currency of the country—a paper which will not enable any man to pay money he owes to his neighbor, or his debts to the Government. The banks had issued more money than they could redeem, and the evil was severely felt, &c. He declined occupying the time of the House to prove that there was a depreciation of the paper in circulation; the legal standard of value was gold and silver; the relation of paper to it proved its state, and the rate of its depreciation. Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad; there could, in the present state of the world, be no other currency. In consequence of the immense paper issues having banished specie from circulation, the Government had been obliged, in direct violation of existing statutes, to receive the amount of their taxes in something which was not recognised by law as the money of the country, and which was, in fact, greatly depreciated, &c. This was the evil.

"These banks not emanating from Congress, what engine was Congress to use for remedying the existing evil? Their only legitimate power, he said, was to interdict the paper of such banks as do not pay specie from being received at the custom-house. With a receipt of forty millions a year, he said, if the Government was faithful to itself and to the interests of the people, they could control the evil; and it was their duty to make the effort. They should have made it long ago, and they ought now to make it. The evil grows every day worse by indulgence. If Congress did not now make a stand, and stop the current whilst they might, would they, when the current grew stronger, hereafter do it? If this Congress should adjourn without attempting a remedy, he said, it would desert its duty."

It became the bounden duty of Congress to interpose, and, by some decisive act, to stop all further receipts of this depreciated paper money; to improve the currency of the country; to render safe the funds of the nation, and to inspire public confidence in the resources of the Government. It was at a time like this, and under circumstances like these, that the resolution of the 30th of April, 1816, was presented; and the last clause of that resolution speaks to the then Secretary of the Treasury, and through him to all the receivers of the public money, and more especially to the banks themselves, which had flooded the nation with their over-issues of uncurrent and depreciated paper, a language which no mortal can misunderstand. It declares:

"That from and after the 20th day of February next, no duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States;" most clearly indicating that the resolution, in this part, was merely advisory. It expressed the sense of Congress in relation to its subject-matter. It said to the Secretary, that he should not thereafter receive any uncurrent paper; and it had the whole effect intended. It checked at once the issues of these banks; it produced, as if by magic, an entire revo-

lution in the currency; it induced the banks themselves to resume specie payments; it performed faithfully its whole office, and thus the matter ended. No human being then supposed that the resolution was intended to be absolutely imperative upon the Secretary; that it went to add the local paper of specie-paying banks to the legal currency.

"At the time of the adoption of this resolution, debts accruing to the United States, whether on account of the sales of the public lands, or at the custom-house, or from other sources of revenue, were in fact received in some parts of the country, but evidently in disregard of the law, in the notes of the State banks, which did not redeem their paper 'by cash payments.' By this resolution it was obviously made the duty of the Treasury to correct that departure from law as soon as practicable; and it was, as is equally obvious, imperative on the Department, after the 20th February, 1817, to allow nothing to be received in payment of debts due to the United States but the legal money of the United States, Treasury notes, notes of the Bank of the United States, or of those State banks the notes of which were payable and paid on demand in cash."

This construction, given to the joint resolution of 1815, by its author himself, when its particular obligations, and the duties of our public officers under that resolution, were among the subjects then under consideration, appears to me to be correct. The resolution manifestly was intended to express the sense of Congress upon what had been the practice of the Treasury Department in relation to the kind of money in which the debts of the Government had been collected; and, in terms most obvious, to restrain the Treasury Department from every such departure from the requirements of existing law, after the 20th of February, 1817. But the resolution makes no change in the law; it does not, in terms, nor by fair implication, establish the notes of all specie-paying banks as legal currency, and make them, as such, receivable for the customs and for the public lands.

Let us examine the whole resolution. It provides:

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand in the said legal currency of the United States; and that, from and after the twentieth day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States."

I would ask, what obligation was imposed upon the Secretary of the Treasury by this joint resolution? Nothing more, and nothing less, than to forbear henceforward from receiving uncurrent State bank paper in payment of duties and of debts of every description, and to adopt such measures as he may deem necessary to cause all the public dues to be collected, as the law requires, viz: in the legal currency of the United States, in gold or silver, in Treasury notes, or in bills of the Bank of the United States. The acts of Congress had established each and all as legal currency, and given direction to public officers to receive them as such. This resolution established no new currency; it did not repeal nor add to any act of Congress which designated the kind of money receivable.

If the resolution is imperative, if it be obligatory, then the Secretary had no discretion. He was bound to take the bills of all specie-paying banks, as well as the notes of the Bank of the United States, in payment for duties. But, according to my apprehension, the plain, sensible, common-sense meaning to be given to the resolution is, that the Secretary should, after its passage, adopt such means as he might deem necessary to have the revenue of the Government receivable in the legal currency--the currency then established by acts of Congress; and if, for matter of individual accommodation, it should be found necessary to relax at all, in such case the Secretary of the Treasury should no longer receive the paper of non-specie-paying banks; that he should, in no event, be justified in taking the bills of any bank which are not payable and paid on demand in the said legal currency of the United States. The resolution, in this respect, is merely advisory to the Secretary. It was intended to restrain him from collecting the revenue in the way and manner it had been collected for years before; and it was also clearly intended to give authority, to give countenance, to the Secretary of the Treasury, for a time, in relaxing the rule of law—in departing from the requisitions of existing statutes—so far as he might receive the paper of specie-paying banks for the public dues. But it cannot, it seems to me, be contended for a moment that here was an addition made to the legal currency of the country; that, henceforward, the collectors and receivers would be bound to take in payment for customs and lands the bills of State banks paying specie when demanded.

The resolution was intended to operate for a time as a waiver on the part of the Government of its rights; but it could not be regarded as a positive, unqualified, and obligatory statutory provision. Such a law could never have been literally carried into effect. The receiver at New Orleans could not be presumed to know the true character of the bank paper of my own State; and yet he would be bound so to do, if the resolution was imperative and obligatory. That resolution was offered, as I have before stated, immediately after the act was passed establishing the United States Bank; and according to the construction now given to it, the exclusive privilege which had been given to that institution was taken away. The resolution, if it does not in terms repeal the fourteenth section of the bank charter, practically renders that section to the bank itself unimportant, and imposed upon the bank new obligations under the charter extremely onerous, and of great hazard to the interests of that institution. This never was, it never could have been, intended. The law was not, in terms, changed by the resolution; and if the resolution, having the effect of law, is imperative and mandatory in this particular, then, most clearly, it follows that it must be general in its operations; it cannot be in force in Boston, and of no effect in Baltimore; and yet it has been admitted that the collector at New Orleans would not be bound to receive a bill of a specie-paying bank issued in New Hampshire. This admission, correct in point of fact, gives to this measure its true character. It clearly shows that the framer of this resolution himself did not regard it as an absolute provision of law, but rather as a matter of practice, which was to be confided to the sound discretion of the Secretary of the Treasury.

The Bank of the United States was to receive in deposite the money of the Government; and it was bound to transfer from place to place, without charge, the public funds; and yet, as I have before said, immediately after the passage of the joint resolution of 1816, the bank itself refused to receive on deposite the bills of specie-paying banks, and pass them to the general credit of the Government, and to transfer them, without charge, as a part and portion of the public funds. The Senator

from Massachusetts, in his report in the case of Mr. Crawford, says:

"That institution [the United States Bank] is indeed bound to give necessary facilities for transferring the public funds from place to place; but this can only mean cash funds; and it is bound also to receive money in deposite for the United States; but it is not bound to receive in deposite, as cash, the bills of any banks whatever but its own, although they may come within the provisions of the resolution of 1816."

And thus the course of the bank was justified, and its proceeding never called forth any action of Congress expressive of its disapprobation. But how could such a course of proceeding be justified if the bills of State banks, paid in specie on demand, were by law added to the currency of the country? If the receivers were bound at all events to take the bills of specie-paying banks in payment for public lands and for customs, the United States Bank were also bound to receive them in deposite. They went to make up a part of the public funds of the Government; and yet receivers were justified in not taking the bills of specie-paying banks in payment for the public dues, and the bank was justified in refusing to receive them in deposite, and of transferring them, as a part of the funds of the Government, without charge. This is wholly irreconcileable with the idea, and with the fact, that such bills had been legalized, absolutely and unqualifiedly, as currency.

The resolution could not in any way affect the power of the President over the subject. He was bound to see the laws faithfully executed. The laws remained unaltered, the same after as before the resolution. The power and the duty of the President was the same after as before the resolution.

The construction which I have now given to the resolution of 1816 has been given to it not only by public officers, but that construction has been sustained by Congress, with reference to this subject, from that time to the present; and not until this period has the correctness of this construction, and of the corresponding practice of the Government, been questioned.

In a report to the Senate, made by the present Secretary of the Treasury at the last session of Congress, he remarked that, according to a construction adopted by Mr. Hamilton, "the Treasury, into which the money was to be eventually paid, as the chief pecuniary agent of the Government, could waive its right to specie, and could consent to receive the notes of State banks, when deemed by it in all respects equivalent to specie; and by the joint resolution of Congress in 1816, which impliedly gave some sanction to this original practice, by prohibiting the Treasury Department longer to receive the notes of State banks not paying specie, and which it had in the great emergencies of the war allowed to be taken for public dues. The clause of the joint resolution of 1816, not forbidding the receipt of notes of State banks paying specie, has not been understood as amounting to an express grant of power, making those State notes a tender for public dues; else the explicit favor granted to the United States Bank notes alone would have been nugatory."

Mr. Crawford, in 1817, after the establishment of the United States Bank, issued circulars prohibiting United States officers from receiving any bills which will not be received by them and credited as cash. And why was this? It will be recollected that, by the 16th section of the charter, the money of the United States was to be deposited in the bank and its branches. This charter had been accepted, and the corporation had gone into operation under it, and was bound to receive in deposite the money, the legal currency, of the country; but among its first acts, as I have before said, was an unconditional refusal to receive on general deposite the bills of State banks, even the bills of those State banks payable and paid on demand in specie. It results from this fact, that the Bank of the United States considered that the bills of local banks, be their character ever so good, were not money, were not legal currency, which they were bound to take in deposite; and hence this circular of Mr. Crawford became necessary.

In 1826 Mr. Rush extended this indulgence to certain enumerated State banks, not to all the specie-paying banks of the country, but to certain specified banks; but enjoined that, "as the receipt of any of the local or State bank notes may be discontinued at any time, without previous notice, it will be well for those who have payments to make to provide themselves with specie, or notes of the United States Bank or its branches, to guard against any change that may be found proper in regard to the notes of the local or State banks."

If that joint resolution of 1816 was imperative and obligatory, it is somewhat surprising that it should have received such a commentary from the head of the Treasury Department.

Mr Taney, the late Secretary of the Treasury, issued a circular, dated March 26, 1834, in which he says:

"Reports occasionally reach Washington, unfavorable to the credit of particular State banks. Many of these rumors are, no doubt, without foundation; but it is the duty of public officers to be continually watchful of the public interests, and it therefore is expected that you will be careful to receive the notes of no banks except such as are in good credit, and pay specie promptly for their notes when presented; and you are to receive none except such as the bank in which you deposite will agree to pass to the credit of the United States as cash: and, in order to remove all possible grounds of controversy or complaint, you will immediately, on the receipt of this letter, obtain from the bank in which you deposite a list of the State banks whose notes they will consent to receive and pass to the credit of the United State as above mentioned." Repudiating the idea that receivers were bound, at all events, to take the notes of all specie-paying banks in payment; but the United States Bank formerly, and the deposite banks since, should have the selection "of those whose notes should be received on account of the revenue."

If this joint resolution was absolutely binding, it is difficult to account for the fact that it has never been observed, but has been disregarded universal y, by the fiscal agents of the Government, without calling forth any action of Congress. If it was a right secured to specie-paying banks, it is wonderful that not one of those numerous institutions has ever presumed to lay its grievances before Congress, that the agents of the Government had refused to receive its paper in payment of customs or of lands, which they were bound to do under the joint resolution of 1816.

I cannot, then, consider the order of the 11th July last as illegal—as against the material binding provisions of the resolution of the 30th April, 1816. I cannot regard the issuing of that order as any assumption of power on the part of the President. And, for aught I see, the order must stand, unless the President shall see fit himself to withdraw it; or unless Congress, by its own legislation, shall take away the foundation upon which that order rests—shall pass some law that shall render the order itself inoperative.

In reference to the policy and expediency of that measure, I am free to admit that a great diversity of opinion is entertained by different portions of the business community. The President says that he directed the issuing of the order with a view to the safety of the public funds, and to the interests of the people generally. No man, unless familiarly acquainted with the state and condition of the banks which had in deposite the

public funds, the practices of those institutions with reference to the facilities furnished to the purchasers of the public domain, the amount of the actual sales of the public lands, and the means used in making these acquisitions from time to time, could determine the policy, expediency, or necessity, of such an order as that which was issued on the 11th of July last.

The reasons which induced the President to direct the issuing of the specie circular, are given in the circular, and in the message, and in the report of the Secretary of the Treasury. It seems to me they were reasons in no way conflicting with the constitution or the law. Certainly some of the very reasons had been urged by gentlemen on the other side during the last session of Congress. To save the public domain from passing into the hands of speculators, to prevent an improper use of the public funds in deposite, to check the issues of overtrading banks, and to save the property of the nation, were among the reasons which induced the Executive to send forth the specie circular. And these very considerations were reiterated time and again on this floor in the course of the last session, in relation to the security and safety of the money of the nation then deposited in the State banks.

The President, then, was bound, if the reasons stated were founded in fact, to issue this order, which was to effect the very objects so much desired at the last session—the safety the public funds, and the preservation of the public domain. The order could never have been issued from any political considerations--from any desire for individual popularity: every man must have known that its political effect would have been precisely that which has been produced. Higher considerations than a thirst for personal popularity, or for political distinction, must have prompted the President to have issued this order. It was nothing less than a settled conviction that the public interest demanded the measure. He designed it as a mere temporary expedient; and it remains now for Congress to decide whether any thing, and, if any thing, what, shall be done in relation to this matter.

I am not, Mr. President, however, so much in favor of an exclusive metallic currency, that I am prepared, at the present time, to agree to any proposition which shall in effect legislate bank paper out of circulation. I do not believe that it would be wise to establish an exclusive metallic currency as the settled, fixed, and determined policy of this Government. The country is not prepared for such a revolution in its circulating medium. The true interests of the community require that all such changes should be gradual and progressive. Any violent and extraordinary alteration in the currency of a country will invariably bring embarrassment, confusion, distress, and ruin. I am not, therefore, for any great alterations at the present time, although I am for adopting such an arrangement as will bring into circulation more specie, and put out of circulation all bank paper of a small denomination. I shall with great readiness, Mr. President, come in aid of any proposition which shall have for its object the introduction of more specie, and of less paper, among us. But, to my mind, the time has not arrived when the currency should be exclusively metallic. The whole amount of specie in our country is inadequate for the transaction of its necessary business. Even the three hundred millions of banking capital, in addition thereto, is regarded as insufficient.

The amendment proposed by the Senator of Virginia must produce some good effect; it will, in a measure, exclude from circulation bank paper of a less denomination than five dollars. As far as it goes, it has my approbation, and will receive my support, in case the mover will so modify his proposition as to prohibit the deposite banks from exercising a power over the currency, which should be reposed in the Treasury Department. The principle set forth in the amendment I approve; and that is, to improve the currency by bringing into circulation more specie. But it would be altogether ineffectual, so long as the States shall exercise the power of incorporating local banks, for Congress to attempt to prohibit the issues of such banks. All that we can do we will do, and that is, to attempt to improve the character of such a paper currency, by refusing to receive in payment bills of a small denomination. But, Mr. President, if I have a correct understanding of the positions of the Senator from Ohio, upon the subject of banking operations in the West, there certainly was at least one good reason for the issue of the specie circular—to check the excessive issues of their local bank paper.

The Senator says "that the banks do not issue their notes upon the specie in their vaults. The notion is utterly fallacious; it is the staple produce of the country which those bank notes purchase; it is the pork and flour of the West, the cotton and sugar of the South, that is the true capital on which the banks make their issues." "The business of the country could not be transacted if the issues of bank paper were based on gold and silver alone."

I live in a wool-growing country; and that article, for some years past, has constituted one of the principal sources of business operations. It annually adds to the substance of our farmers, and it furnishes to the merchant the means of making his remittances; but I never supposed or believed that this staple of my country was the basis upon which our local banks make their issues. I live in the immediate vicinity of banks whose capital exceeds half a million of dollars, and I entertain no doubt that, in the places where those institutions are situated, there is annually disbursed more than one half of the capital of those banks in the purchase of wool; and the paper of those banks is issued within a period of 90 days, to purchase and to pay for this amount of that article; but no human being connected with the banks ever calculated on the value of the material itself for the redemption of their paper, or did the banks ever issue their paper upon such a capital. No, sir, their reliance was on the gold and silver in their vaults, on their specie funds; but more than all on the intrinsic value of the discounted paper; and whenever banks undertake to issue paper to pass current as money, equivalent to specie, based on no metallic capital, but upon the produce of the country—upon the pork and flour of the West—and to rely, for the redemption of their paper, upon the sales of such produce, sooner or later, by the fluctuations of trade, the sudden depressions of the staples of our country, such banks must experience severe losses, if not an entire prostration.

I repeat it, sir, and I appeal to every man conversant with banking for the correctness of my position, that the solvency and security of banks must depend essentially upon the intrinsic value of its discounted paper, in connexion with its specie funds, which ordinarily amount to one third of its whole circulation. Some bank, peculiarly circumstanced, and possessing great facilities and extraordinary privileges, may have within its control specie equal to its whole circulation, but not equal to its whole liabilities. The banks of New England, on an average, do not possess a specie capital within their control, or specie funds, exceeding one third of the whole amount of their paper circulation and actual liabilities; but they rely for their solvency on the worth of the debts due to them, on the intrinsic value of their discounted paper; and every man conversant with banking must know that it is a safe reliance, and that a bank doing business upon the principles I have stated can never be so embarrassed as to put in jeopardy its own bank notes.

The Secretary of the Treasury has, as usual, received

his full share of abuse for his supposed connexion with, and participation in, the order of the 11th of July. It remains yet to be ascertained whether the act shall receive the approbation or disapprobation of the American people. I leave the matter with them: the issue is made up—the reasons for and against the measure have been set forth—let judgment be rendered. In the decision of that tribunal to which the Executive has so successfully and so triumphantly appealed on former occasions, he will most cheerfully acquiesce.

But the attacks which have been made upon the Secretary of the Treasury, pending this debate, have not been confined to the specie circular. His want of judgment, of financial skill, of tact, and of talent, have been made most clearly to appear (as has been said) in his estimate of the receipts and expenditures for the year 1836, as presented in his official report at the commencement of the last session of Congress. This charge has become somewhat stale, worn out by its long-continued use. These reiterated attacks upon that officer establish one fact beyond all possibility of doubt--that the gentlemen who make these charges consider that they are contending with no ordinary enemy, but with an enemy talented, powerful, and, if not invulnerable, certainly not easily vanquished.

At the last session I attempted to show how these extraordinary receipts had found their way into the Treasury. I then stated, and I now believe, that the fact itself of there being a most extraordinary amount received during the current year, is no evidence of want of sagacity or judgment in making and presenting the estimates as they were made and presented in 1835. If the Secretary had then presumed to have estimated twenty-four millions as the probable amount which would be received in the course of the coming year from the sales of the public lands--if he had estimated that twenty millions would be received from customs, and Congress, relying on that estimate, had proceeded to make appropriations accordingly, and it had turned out that no greater sum than usual had been received from the sales of lands, or from the duties on imports, what would the gentlemen then have said? They would have denounced him indeed as a visionary statesman, and in whom no confidence should be reposed. Such estimates, founded on no facts, but the result of mere conjecture, would have justly exposed him to the charge of rashness and of folly.

What is the course to be pursued by a prudent, calculating, sensible, and discreet officer, at the head of the Treasury Department, in presenting his estimates of receipts and expenditures?

He is to ascertain what had been the actual receipts in former years; whether they had increased beyond the natural increase which would result from an increase of the population of the country; and if so, to study the causes of such an increase, and to make up his estimates of receipts with reference to the population and condition of the country. It is, after all, but an estimate; it cannot be regarded as fact; it is in a measure conjectural, and the Secretary is greatly abused for guessing so badly. But the honorable Senator from South Carolina, in his report upon executive patronage, fell into the same error. He under-estimated the receipts from the sales of the public lands as well as from customs. If I am not mistaken, it will be found that the extraordinary amount received from the sales of the public lands was received from mere private entries, and were not the proceeds of the public sales. How was it possible for the Secretary to know, or even to conjecture, who would purchase, and what amount would be purchased, of the public land at private sale, within a given period? Things, I believe, had gone on in the usual mode up to July or August, 1835; and then speculation began to break forth. It will be found that there was no very unusual increase until August of that year. The Secretary is now obliged to make up his estimate a month sooner than was formerly practised, and at a time when he could not have received the whole returns of October; and although he does estimate the proceeds at a half of a million more than usual, yet I am free to admit that the estimate falls far short of the reality; but, in making this admission, I cannot see that thereby any fault, any want of discernment, any want of foresight, of calculation, or of judgment, is chargeable upon the Secretary of the Treasury. It will appear that the actual receipts of the fourth quarter, ending with December, in 1834, from lands and customs, were but five and one third millions; while those for the last quarter of 1835 were about eleven and one third millions; and not so much land was advertised within the last as within the first period. The sales of lands in that quarter ran up to five and a half millions—a sum exceeding the whole sales of any one year since 1820. In December alone the sales amounted to two and one third millions, when usually not over half a million sold in that month. And, in relation to the receipts from customs, I might add, that the destruction by fire, in New York, of some seventeen millions of merchandise, rendered fresh importations necessary, which greatly increased the receipts from that source of revenue, and which could not have been considered by the Secretary. I cannot believe that in November, 1835, with all the lights then cast upon this subject, that the gentleman from South Carolina himself could or would have anticipated such an extraordinary amount of revenue. But it is enough for me to say, that the Secretary of the Treasury, in making his estimates of receipts for the year 1836, was governed, in a measure, by the actual receipts of former years from the same sources. But whoever calculates the receipts of any subsequent year by the actual receipts of the year 1836, will find that he has committed a greater and a more hazardous error than has been committed by the present Secretary.

The manner of executing the deposite bill of the last session is also made a matter of grave charge against the Secretary; and the pecuniary distress which now exists in our commercial cities (and I am most willing to agree that is is most severe) has been here and elsewhere charged upon the Secretary, as the unavoidable effect of the manner of his executing that bill. Now, Mr. President, I think I shall find little difficulty in showing that the Secretary could not have done less, without a violation of the law, and without wholly disregarding the state of public opinion, and the just expectations of the community. It was the forbearance of the Secretary which has saved, if not the banks themselves, certainly the commercial and mercantile community, from severer trials, embarrassments, and sacrifices. The Secretary could not have done less; he might have done more; and the few failures which have occurred in our commercial cities, in carrying into effect the provisions of the deposite bill, are evidence of the high character, resources, and responsibilities, of our mercantile community.

It was early alleged that the Treasury Department would not execute the deposite bill; that, under some pretence or other, the Secretary would delay carrying into effect its provisions, and thereby frustrate the just expectations of the people. These allegations were made and reiterated after the adjournment of Congress, because the money was not immediately removed from those places where too much had accumulated, to points where there was little or none of the public funds.

The act to regulate the deposites of the public money was approved on the 23d of June last, and it is a fact well known, that on the following day the Secretary of the Treasury commenced a correspondence, having for

its object the selection of additional banks for the deposite and keeping of the public money. It was manifestly the duty of the Secretary of the Treasury "to select, as soon as may be practicable, and employ as the depositories of the money of the United States," such new banks as may be located at adjacent or convenient to the points or places at which the revenues may be collected or disbursed, requiring him, at all events, to select at least one bank in each State and Territory, if one can be found willing to be employed as a depository of the public money; and the act requires that the Secretary of the Treasury shall not suffer to remain in any deposite bank an amount of the public moneys more than three fourths of the amount of its capital stock actually paid, for a longer time than may be necessary to make the transfers, for purposes of equalisation; and in the event of too great an accumulation of deposites in any bank, such transfers shall be made to the nearest deposite banks which are considered safe and secure."

Such were some of the provisions of the bill regulating merely the deposites of the public money in the deposite banks.

The Secretary was then obliged, as soon as practicable, to select in the different States the additional deposite banks made necessary. He was not at liberty to postpone or to delay this service. The act was imperative; for the great and leading argument urged in favor of this bill was, that such an accumulation of the public money at particular points, and in particular banks, was exposing to hazard the public funds; and he was, therefore, in the most explicit manner, required "not to suffer a greater amount of the public money than a sum equal to three fourths of the capital of any deposite bank to remain in such deposite bank, but at once to remove such excess to other places of deposite, for the purpose of q ualisation."

The duty enjoined upon the Secretary, under these provisions of the deposite bill, was clear and explicit, and that duty was promptly met and faithfully performed. The banks were selected with as little delay as possible; and the document now on the table will show how early these transfers were made for the purpose of equalisation, and to prevent any bank retaining in deposite, of the public money, an amount beyond three fourths of its capital, "for any longer time than was necessary." So much for the charge made against the Secretary at the time for neglecting to execute the deposite bill.

But when the money began to be moved, after the additional deposite banks had been selected, and after due notice had been given to those banks which then held in deposite, of the public money, an amount beyond three fourths of their capital, that they must prepare to make the requisite transfers, then, forsooth, a universal hue and cry was raised against the Secretary, for making any removal of any portion of the public money, until the 1st day of January; alleging that it was arbitrary and oppressive on the part of the Secretary, not required by the letter or by the spirit of the act; and that such an unreasonable proceeding would produce unnecessary distress among the banks, and the unavoidable ruin of thousands of our mercantile community. Thus blowing both hot and cold: blaming the Secretary for his pretended acts of omission, and for his real acts of commission. Under the provisions of the act to which I have referred, the Secretary doubted whether he should have the power, before the 1st day of January, 1837, to remove from particular points in any one State where there should be accumulated a great excess of the public money to any place beyond the limits of such State; and so settled was the public mind as to the course to be pursued in such a case, and so decided was the public sentiment, that no sooner were those doubts known to exist, than Congress passed the act "supplementary to the act to regulate the deposites of the public money," which provides "that nothing in the act to which this is a supplement shall be so construed as to prevent the Secretary of the Treasury from making transfers from banks in one State or Territory, to banks in another State or Territory, whenever such transfers may be required, in order to prevent large and inconvenient accumulations in particular places, or in order to produce a due equality and just proportion, according to the provisions of said act."

The Secretary was bound, then, according to the plain English of these two acts, without delay, to set himself about removing from one set of banks, which then held of the public money an amount beyond three fourths of their capital, about eighteen and one third millions of dollars, and to deposite this in various other banks in the different States; and to this may be added twenty-two millions, collected since the passage of the bill. All this was to be done independent of those provisions of the act which required that the surplus in the Treasury on the 1st of January, above five millions, should be deposited with the several States. The money, on the passage of the deposite bill, which was on deposite in banks in the city of New York, could not be left in that city, because the money then there, and what was there collecting monthly from imports, would make an aggregate exceeding three fourths of their whole banking capital. There was in deposite in that city, on the 23d of June last, about thirteen millions; there is collected ordinarily from customs, about one and a quarter million each month. Their whole banking capital does not, it is believed, exceed eighteen millions. The Secretary, then, could not, without a direct violation of his duty, have suffered this amount of money there to remain, even if every banking company in that city had been willing to have been employed as a depository. I have stated that the Secretary found it necessary, in the discharge of his duty, to remove about eighteen and one third millions of dollars. This very operation is cause enough for the pressure which exists in our great commercial cities. No one at all acquainted with business, but must admit that every dollar of this money had been loaned by one set of banks to their customers; and the process of transferring made it necessary to collect from those customers, for those banks, in order that it might be removed to another set of banks. This was a real and important money transaction. It was not an affair which could have ordinarily been done without an actual collection of the money from the debtors of the deposite banks. By the deposite bill itself, the banks which held the public money were required to pay interest on all over one fourth of the money in deposite; and it must, then, have been fairly presumed that the money of the Government which had been placed in the deposite banks was out on loan. The fact was so; and, as I have before said, the very process of collecting from one set of customers at one set of banks, and paying over to another, furnishes cause enough for the prevailing pressure.

Who does not recollect the complaint made by the Bank of the United States in 1833, for the removal of the deposites from that institution, less by one half in amount than changed places under the late act of Congress? Who does not recollect the pretended distress and ruin which was alleged to be the consequence of that act of removal, when even the actual amount then taken from the Bank of the United States was not removed at once, but only as needed to pay warrants? Where there were great excesses of the public money in any State, as in New York, Louisiana, and Mississippi, it was expected that the Secretary would at once remove such excesses to other States having little or none of the public money. While those States had millions upon

millions, New Jersey and Delaware had none; and beyond all question it was this sentiment which produced the supplemental act. It was then the bounden duty of the Secretary to take from those points where it had accumulated too much, and to put the money where there was a deficiency. He would have been false to his duty, he would have failed to have answered public expectation, if he had not done this. He was bound to make these transfers and these changes as gradual and as easy, and in a way to produce as little sudden fluctuation as possible. To make them, he was under an imperious obligation. But the deposite bill has other important provisions, imposing other and different duties and obligations upon the Secretary of the Treasury. He was required to make an equalisation of the public money among the States, and to collect and to pay over to the States (with the exception of five millions) what should be in the Treasury on the 1st of January, 1837. He was, in truth, to prepare to apportion among the States nearly forty millions of dollars; and on the 1st of January he was to deposite one fourth of the sum with the States, in proportion to their representation in both Houses of Congress; and the whole surplus then in the Treasury was to be transferred on or before the 1st day of October from the deposite banks, and placed with the several States; and this part of the duty of the Secretary has been commenced and prosecuted with as little embarrassment as possible to the commercial and mercantile community. The distribution has not yet all taken place; far different. From what has been said, here and elsewhere, one would naturally infer that the Secretary of the Treasury had actually removed to the several States their respective proportions of the surplus which would be in the Treasury on the 1st of January next. Let us for a moment see how this matter is. There is now in New York an excess of six millions; and when Congress adjourned, New York had in deposite nearly thirteen millions. Upon the basis of dividing among the States thirty-seven millions, she would be entitled to retain only a little over five millions. She has now in deposite, as appears from the last returns, eleven millions and six hundred thousand dollars. New York, then, has not been depleted. The collections there made for customs have very nearly kept pace with the transfers which have been ordered from that city.

There is now an excess in Massachusetts of over a million; she has received $300,000 more than she had when the bill passed, and she then had $300,000 more than her share of thirty-seven millions. In Louisiana there is an excess of over three millions; in Mississippi one and a half; in Missouri over a million; in Alabama, Ohio, Indiana, and Michigan, there are now excesses of the public money, as will appear by an examination of the table appended to the annual report of the Secretary of the Treasury. On the 23d of June last, eighteen out of the then twenty-four States had less of the public money in deposite, within their limits, than they would be entitled to have under the provisions of the deposite act; while New York, Massachusetts, Louisiana, Mississippi, Missouri, and Alabama, then had and now have excesses; and not a single one of the eighteen, by transfers, has yet received its proportion of the thirty-seven millions. The Secretary clearly had the power to fill up and equalise the whole; his forbearance alone has saved, as I have remarked, if not the banks themselves, certainly many of the commercial community, from entire ruin. For I am most free to admit that the present distress and pecuniary pressure is most severe. What would have been the consequences if the Secretary had caused to be transferred the whole thirty-seven millions, can better be imagined than described.

I have said that Ohio and Indiana have now an excess. The fact is so; and it arises from the sales of the public lands in Indiana. The nearest deposite banks to Indiana are those in Ohio. The banks in Indiana, and they are all employed, have now an excess beyond the proportion of that State of nearly a million. The Secretary was bound to make transfers, from time to time, from those banks, and hence it accounts for some of the transfers to, and deposite in, Ohio.

Upon the basis of depositing thirty-seven millions with the States, from the last returns, it will appear that Maine is deficient in the sum of - - - - $700,000
New Hampshire - - - - - 250,000
Vermont - - - - - - 700,000
Connecticut - - - - - 250,000
New Jersey - - - - - 460,000
Pennsylvania - - - - - 1,080,000
Virginia - - - - - 1,600,000
North Carolina - - - - 1,200,000
South Carolina - - - - 400,000
Georgia - - - - - 800,000
Tennessee - - - - - 1,580,000

And that Rhode Island, Delaware, Illinois, Arkansas, Maryland, Kentucky, are also deficient, which deficiencies make an aggregate of more than ten millions; and at the same time, of the five millions left in the Treasury, not less than three and a half would ordinarily be required in the States above named.

The Secretary has begun gradually, proceeded gradually, and will accomplish gradually, the deposites among the States. The whole cannot be completed until the 1st of October, 1837; more than half will have to be done after the 1st of January.

It has been said, by way of objection to the course of the Secretary of the Treasury, that all this should have been done by keeping the whole money in the great commercial cities until wanted. That officer would have been faithless in the performance of his public duty had he so done. The deposite bill was passed to remove such great accumulations of the public money to places of greater security. This was an argument repeatedly urged in favor of the bill. It was alleged that so great had been the accumulation at particular points, that the public money in some of the deposite banks was insecure. It was matter of constant complaint, that immense amounts were in New York and Boston, giving to them great and exclusive privileges in the use of the Government funds. It was contended that the money should be carried home to the respective States in just proportions, and there deposited, for the use of the people from whom it was collected and to whom it belonged. And I again repeat that the Secretary was bound to make the transfers with all reasonable despatch. He has done it; and in doing this he has done but his duty. And when the present excitement shall have passed away, and men shall consult their reason more, and their passions less, I hazard nothing in saying that the deliberate judgment of the community will be, that, in the execution of the deposite bill, the Secretary has done no more than his duty.

These transfers from the great depots, from our commercial cities, could not fail to produce disorder and embarrassment in exchanges, and pressure in the money market, among business men. It was anticipated. I well recollect, on my way home in July last, that the very consequences which have taken place were then represented as effects which must result from the execution of the deposite bill. It was said that it could not be otherwise; that the commercial cities which had received the money, and which had loaned the money, would be obliged to collect the money for other places, and thus a sensible embarrassment would be thereby unavoidable. But is that of itself any reason why Delaware and Tennessee, Kentucky and New Jersey, New Hampshire and Vermont, should not have their portion

of the public money, as well as New York, Louisiana, Massachusetts, and Mississippi?

It was far better for the merchants themselves to part with the money by degrees, to commence before January. It has been said (with a view of showing that an unnecessary pressure has arisen from the manner of executing the deposite bill) that the United States Bank paid the national debt without any distress. That is by no means a parallel case: but even that was not done without some time and indulgence being extended to that institution. That debt was paid as it was due, in the great cities, and not in the interior. But portions of it have been just as well paid by the deposite banks since 1833, as by the Bank of the United States prior to 1833. But the two cases are unlike. Deposites with the States are not to be paid to creditors in our great cities, but to States at a distance, and in the interior; and hence the cause of the existing pressure and derangement. But the main, the moving, the original cause of all the pecuniary distress which has occurred, may be traced to the excessive surplus in the Treasury. It was the fact that our Government had thirty or forty millions of dollars unemployed in the deposite banks, not required to meet the necessary wants of the Government; it was this great accumulation of money, this enormous amount of unappropriated funds, that induced speculation and over-trading. The national debt had been fully discharged. The compromise act led to the belief that the tariff would remain undisturbed; that of course the receipts from customs and from lands would greatly exceed the public expenditures. This state of unexampled and unprecedented national prosperity, these extraordinary resources of the country, have produced one of the most extraordinary revolutions in the business of the country which has taken place since the close of the Revolution.

Within the last eighteen months the capital of the country has, to a certain extent, taken a new direction. It has changed hands; it is no longer under the control of our commercial and mercantile community, a community which is now more severely and intensely suffering from the pressure than any other class. I say that it was the surplus in the Treasury, it was the amount of unemployed public money, which has brought this evil upon us; which has induced every species of speculation; which has quickened the zeal, animated the spirit, and put in requisition all the active energies of the adventurer. The history of the times shows that there have been most unprecedented speculations and over-trading. Speculations not in the public lands only, but in stocks, in banks, in railroads, in canals, in lots, in every thing that the wit of man could devise. This mania for speculation has pervaded our whole country; it has reached the villages of New England; and but few individuals have entirely escaped from its influence.

In addition to this, the course pursued by some of the banks themselves has contributed to bring about the present state of things. The means of those institutions have been employed, not as usual, in the transaction of the regular business of our mercantile community, but in the shaving of notes, exchanges, and stocks. The seven or eight millions of the money of the Government now in the Bank of the United States, it may be presumed, has been in active use in that way. To these may be added the great pressure now existing in the money market of England, which has produced its effects here. In my judgment, these have been among the causes which have aided in producing the present state of things. It is to be hoped that it will only be temporary; it is to be hoped that the crisis has already passed; that the good sense, the high intelligence, the pure patriotism of our commercial and mercantile community, will be able to bring to a speedy end this unexampled, this most extraordinary, this violent pecuniary pressure in our cities. It has been said that the pressure is not as great as is represented. I know it to be most severe. When the best notes in our cities are sold at a discount, and sold so as to yield an interest of two, three, and even four per cent. per month; let no one say that the pressure is mere pretence. It is an awful and cruel reality. It is but the effect of our own policy. If we had left in the pockets of the people the money not wanted for the ordinary uses of the Government, if we had prevented the accumulation of such an enormous surplus, if we had been compelled annually to contract loans to meet current expenditures, business would not have been diverted from its accustomed channels, wild speculation would not have stalked through our land, and the present pressure and distress would not have been felt. We should, Mr. President, now unite in preventing the repetition of the evil, by removing its cause. The surplus found in your Treasury was the original cause of the present pressure. It was our acts of the last session which were auxiliary in bringing about the present state of things. I know that it is very convenient to make the organs of Congress (while faithfully, but forbearingly, executing the laws) scapegoats, not only for the effects of those laws, but for all the improvidence, rashness, over-trading, and speculation, of Europe as well as of America.

I have nothing further to add, in answer to the charge made against the Secretary, for the course pursued by him in the execution of the deposite bill. I should not have troubled the Senate with any remarks, had I not wished to avail myself of this opportunity to speak of that measure. I gave my vote in favor of that bill, and I have reason to believe that that vote has received the decided sanction of the yeomanry of New Hampshire. The bill passed both Houses of Congress by unexampled majorities, and yet the minority in the Senate, as well as in the House of Representatives, comprise some of our most distinguished statesmen and purest patriots. The bill, as it passed, was most emphatically and most truly nothing more nor less than a bill for the regulation, deposite, and safe keeping of the common treasure of the whole country. There is no room for doubt, with respect to the character of that measure. The thirteenth section of that bill, among other things, provides that the States receiving their proportion of the surplus shall pledge their faith "to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury." Whatever may be the practical operation of this measure, it was regarded at the time in no other light than a bill to regulate the local banks, having the public money in deposite, and to transfer from those banks portions of the common fund to places of greater security, the respective treasuries of the several States. I cannot believe that among those then belonging to the Senate, who gave to this bill their support, there was a single individual of the number, who would for a moment countenance the idea of taxing, directly or indirectly, the people for the purpose of distributing money to the people. I never could have yielded my assent to any such principle; and, in voting for the deposite bill, no Senator could believe that he was thereby yielding his assent to any such doctrine. I hold it to be subversive of the very foundation upon which rests our representative Government. Such a principle is opposed to the best and purest feelings of patriotism; to the letter, the spirit, the genius, of our free institutions. I never could have given my vote for this bill as a distribution bill. This character has been most unjustly given to this measure here and elsewhere. The Senator from Mississippi is mistaken if he supposes that it is so understood by the great body of the people of the States. The legislative act of

New Hampshire shows most clearly the sentiments of that State with reference to this measure. She has voted to receive her portion of the money; but the legislation of that State has most sacredly guarded the principal as rightfully belonging to the United States; that while she considers herself justly entitled to the beneficial use of her portion of the surplus, so long as it shall remain uncalled for, she holds the principal to be of right the property of the General Government. It is true that New Hampshire by her act will deposite her share of the fund among the several towns of that State for safe keeping. But the State possesses the power, by her distress warrants, to enforce collection at any time, against any town which should neglect or refuse to pay when demanded; and the pending act subjects the town to indictment, in case any part of the principal of the money therein deposited should be used for any purpose; and the court are required to impose on such a town a fine equal to the part of the principal thus appropriated, and to issue execution against any such town, to be levied and collected in the usual mode. Thus had his own State managed in relation to this matter; and gentlemen may be assured that whenever occasion shall demand that any portion of this money should be returned to the national Treasury, for the use of the General Government, that State will promptly and properly comply with such a demand.

I did not consider that, when I gave my vote in favor of that bill, I was in effect making a donation to the several States. My purpose was merely to add to the places of deposite. To give to the States the use of a portion of the public money, instead of confining the use exclusively to the banks. It was not my purpose longer to leave all the public funds in the deposite banks, which were under the exclusive control of the Government. I knew full well that it was the earnest wish of the head of the Treasury Department to be relieved from the responsibility, the care and control of the public treasure; whatever might be said of the desire of this administration to exercise an unlimited dominion over the public purse, the Secretary of the Treasury himself was extremely solicitous to be delivered from that particular charge.

In voting for this bill, I gave in no assent to the policy of a systematic distribution—nothing could have been further from my mind. The money was on hand, and no regulation of the tariff could have any effect upon the accumulation then in the Treasury; no public or private appropriations, necessarily called for, could exhaust the fund. The question was, what shall be done with it? How can it be disposed of until the same shall be required? The question was answered—wisely, judiciously, and properly answered—by the passage of the deposite bill. The question now is, what can be done to prevent any further surplus? It is an important question—it should be well considered. For one, I would desire, in some way or other, to bring down the revenue to a point below the ordinary wants of the Government. I am one of those who believe that an economical expenditure of the public money can only be attained by being absolutely required, year following year, to devise ways and means to meet current expenses. It would be far better, for the peace and prosperity of the nation, to be obliged to borrow annually, rather than be obliged to tax our ingenuity how to dispose of surpluses. Our expenditure should never be forced to absorb our means. But means should be forced to meet our expenditure.

I have said, Mr. President, all that I wish to say upon the deposite bill of the last session, and upon the manner of its execution. And if the effects of this measure, and of the specie circular, shall be to check the spirit of speculation which is abroad in the land, to confine trade, commercial and mercantile enterprise, within their proper limits; if the effects shall be to render secure the public funds, and to preserve the public domain for the legitimate benefit of the General Government, then we shall not fail to rejoice at their adoption.

Mr. HUBBARD having concluded his remarks,

Mr. EWING, of Ohio, inquired whether he was to understand Mr. H. as including in his argument of justification the discrimination made in the order between citizens of different States of the Union, requiring of one class to pay gold and silver, and permitting the other to pay in the ordinary currency?

Mr. HUBBARD replied that he had not turned his attention to that point, considering it as having been sufficiently met in the able speech of the Senator from Missouri, [Mr. BENTON.]

Mr. MORRIS obtained the floor for to-morrow; and then

The Senate went into executive business; after which,

The Senate adjourned.

WEDNESDAY, DECEMBER 28.

UNEXPENDED APPROPRIATIONS.

After disposing of the usual morning business,

Mr. BENTON rose to move the printing of the document from the Treasury Department, which had been called for on his motion, and had come in a few days ago. It was a document showing the unexpended balances of appropriations which would remain in the Treasury on the 1st day of January next, the amount of each balance, the object to which it was applicable, and the date of the law by which the appropriation was made. It was the amplification and substantiation of that part of the President's message at the commencement of the session, in which he said that these unexpended balances were estimated at $14,636,062, exceeding by $9,636,062 the amount which will be left in the deposite banks, and which are outstanding appropriations, to be met by reimbursements from the States, if the revenue fell short of meeting them; and that this large amount unexpended was the effect of the lateness of the period at which the appropriations had been made. This fourteen and a half millions has been called a surplus, for which the Government has no use; and it would seem that some States, acting on this idea, were for treating the deposite act as a distribution law, and using the money deposited with them, as if the Government in reality had no use for it. Nothing (he said) could be more erroneous than this idea. This fourteen and a half millions were not a surplus, but appropriated money—appropriated too late to be used this year, but remaining applicable to its objects, under the act of 1795, for two full years after the year in which the appropriation was made. The document contains a detailed statement of each object, and in the list would be found objects belonging to every branch of the public service; and every State would find some objects near and dear to itself, and for which the State had been long soliciting. Among these objects, were the branch mints in the South and in New Orleans, the custom-houses in Boston and New York, the Treasury and Patent Offices in this city, many fortifications, roads, and block-houses, west of Missouri and Arkansas, half a dozen Indian tribes, and among them the Cherokee treaty, on which alone the balance was $4,245,000. This latter was a good specimen of the whole of these delayed appropriations, and illustrated the manner practised at the last session to create an unavoidable surplus. First, the ratification of the treaty was kept off to the last possible moment, and then all possible exertions made to defeat it; then the appropriation law under the treaty was kept off to the last possible moment, and then all possible efforts made to defeat it. Finally, on the 2d day of July, the appropriation passed; and then Mr.

John Ross, a true coadjutor of the surplus party, went home to prevent the Indians from receiving the money; and succeeded; and so saved this four millions and a quarter for distribution, as a part of that unavoidable surplus for which the States are told, and even Georgia herself is told, the Federal Government has no use! Now, there was some use for this four and a quarter millions. The United States would have to raise it otherwise, if she did not get it back from the States; for the compact with Georgia, made thirty-four years ago, and by which the United States obtained Alabama and Missi-sippi, will have to be carried into effect. And so of every object mentioned in the document. There were above two hundred of these objects, and money would have to be provided for carrying each of them into effect; for they were not of a nature to be abandoned; and this head of mine, (said Mr. B., putting his finger to his forehead,) this head of mine, as belonging to a member of the Finance Committee, was now occupied with this subject, and was considering how far duties could be reduced, and how far they would have to be kept up, and what tax otherwise unnecessary must be retained to supply the place of these fourteen and a half millions, if the deposite act is perverted by any of the States into a distribution law. Now, he wanted this fact carried home to the people of the States in such form that it could not be disputed. He would therefore move to have this document printed, and five copies sent to the Governor of each State, ten copies sent to each branch of the State Legislatures, and 1,000 extra copies be supplied to the Senate for its distribution.

Mr. CALHOUN rose to make a very few remarks on the very extraordinary motion of the Senator from Missouri, and to ask for the yeas and nays on the question. The sending out this paper in the manner proposed would make an erroneous impression on the minds of those to whom it would be sent, and would be an unusual departure from the ordinary practice of the Senate. Did not every Senator know that there was a large amount left in the Treasury, say five millions of dollars, by the deposite law of the last session, for the purpose of meeting these balances? Did not every Senator know that, by the report of the Secretary of the Treasury, there were three millions of dollars of these appropriations that would not be wanted, and were therefore transferred to the surplus fund in pursuance of a standing law? And was there not, besides, a large sum in the hands of the disbursing officers of the Government? He knew (Mr. C. said) that every exertion would be made in order to defeat the deposite bill at this session. He knew well that the battle was yet to be fought—a battle in which the people would be on one side, and the office-holders and office-seekers on the other. While up, he would refer to the Committee on Finance, and make one remark in reference to the report of that committee on the bill introduced by him a few days since, and, much against his wishes, referred to them. They had reported against the bill, and it was not strange that they should do so, because a majority of that committee were three out of the six who voted against the deposite bill at the last session. But what he complained of was, that they had reported it without one single word of explanation; the chairman simply saying that he was instructed by the committee to move for its indefinite postponement. He would now ask the chairman on what grounds he had reported against this bill? Was it because the committee were satisfied that there would not be a surplus? If so, (said Mr. C.,) let us know it. I shall be glad to hear that such was their reason, because it is a debatable proposition. Was it because they would not have the surplus deposited with the States? If this was the case, it was directly contrary to the known sense of that body, expressed almost unanimously at the last session. He could scarcely believe that the committee reported against the bill on such grounds. With the denunciations of the President himself against the corrupting influence of a large surplus in the Treasury, and his declarations that the worst disposition that could be made of it was to let it remain in the deposite banks, he did suppose that the committee could not contemplate either result. He could not believe but that, from courtesy, the chairman would make such a report as would put the Senate in possession of the grounds on which the committee objected to the bill.

Mr. WRIGHT replied, that this was not a more distinct call than he had had on different occasions from the gentleman from South Carolina, for explanations in regard to subjects which had come under the consideration of the committee of which he (Mr. W.) was an humble member. It would save the Senate some time, if subjects were debated when they were under consideration before the Senate, and not incidentally and collaterally. For his own part, he should be willing to answer any questions, after a subject should have been before the committee, and come up for debate, in the best manner he was able. But he should not hold himself bound, at the call of any Senator, to enter upon a debate on the merits of any proposition not before the body, although it may have been reported upon by the committee. When the honorable Senator's bill should come before the Senate, then he would hold himself bound, as a member of the committee, to state the reasons which governed their acts, but not now, upon a question of printing a document that had no relation to the subject; and he hoped that he should not be considered by the Senator, and the Senate, as wanting in courtesy in not complying with the request made of him; for he had made it a rule of action to treat questions, independent in their character, at separate and distinct periods. This practice he had endeavored to carry out as far as possible, and he should do so now; and whether the course of the committee should be approved or disapproved, he hoped it might be decided when the bill came up, and not in an incidental manner.

Mr. CALHOUN said, that although he very much regretted that they were not to have a detailed report, yet he must be permitted to say that he thought the course of the committee a very unusual one. A bill of acknowledged importance, if he might judge from the President's message and report of the Secretary of the Treasury, together with the course of the Senate last session, was, after a full debate, referred to the Committee on Finance, because that committee was particularly constituted to advise on the subjects to which it related; yet that committee treated it as one of the most insignificant questions, and despatched it without a written report. This all might be very right, but it certainly was very extraordinary and unusual.

He had been there several years, both as presiding officer and as a member of the body, and he must say that this was the first time he had ever known a question to be put to the chairman of a committee, which he refused to answer. As a representative of one of the States of this Union, he must say that he had a right to an answer. The bill had gone to the committee, had received its disapprobation, and the committee ought to let them know the grounds on which they objected to it. If there was no surplus, let us (said Mr. C.) hear the committee say so. If there was one, then, said he, let us hear what objections the committee have to depositing it with the States. He made no complaints, but he must say that the course of the committee was very extraordinary.

Mr. HUBBARD remarked that he was at all times in favor of giving to the people all the information which could be communicated to them, either through their

Governors or the Legislatures of the several States, in relation to every subject connected with the legislation of Congress; and he was the last man who would withhold information from his constituents, which could, by any possibility, give them any light upon the acts of their representatives.

He would request the Secretary of the Senate to read the resolution offered by the Senator from Missouri. After it was read, Mr. H. remarked that the resolution was as he supposed; and he was entirely at a loss to know what was the particular object of his friend from Missouri, in that part of his resolution which required that five copies of the document referred to should be sent to the Governors, and that twenty copies of the same document should be sent to the Legislatures, of the several States. From the remarks of the Senator from Missouri, it seemed to him that this document was in some way or other to have some effect upon the deposite bill of the last session; but he could not see in what way the communication of these documents to the Legislatures could have any effect whatever upon their action on that bill. Congress has passed that bill; it was to take effect within a very few days—on the 1st day of January next. The money then in the Treasury was to be set apart, and to be taken, under the direction of the Secretary of the Treasury, from the deposite banks, and transferred to the State treasuries for deposite and for safe keeping, in pursuance of the particular provisions of the bill itself.

The printing of the document may be useful to the Senate; it may be important to them, for their information and guidance with reference to the bill presented by the Senator from South Carolina, to continue in force the deposite bill. But it could not be of any practical benefit to the Legislatures of the States, in relation to the bill of the last session. Whether wisely or not, Congress had passed that bill, and the States were soon to receive the benefit of it; and he would suggest to the Senator the propriety of so amending his resolutions as to confine the printing for the use of the Senate, and not to require that printed copies of this document should be sent to the Governors and Legislatures of the several States. With a knowledge of what probably would be in the Treasury on the 1st day of January, as the unexpended balances of former appropriations are very great, and a decided majority of the Senate gave their votes in favor of the deposite bill of the last session, it certainly would not be difficult to show that this document fails to give correct information. The gentleman from Missouri, he presumed, could not desire to have this document communicated to the State Legislatures, unless he believed it would impart useful information to them. And, for one, he could not but believe that it was calculated to make an erroneous impression upon the public mind; to misguide and to mislead the action of those Legislatures in relation to that bill. Without saying more at this time, he did hope that the Senator from Missouri would amend his motion as had been suggested.

Mr. BENTON asked the Secretary to read the caption of the document. The Secretary read it; and Mr. B., inviting the attention of the Senate to the words of the caption, and that the 1st day of January next was the time to which the unexpended balances were computed, pointed out that this was exclusive of sums which might be in the hands of disbursing officers, and which, though still charged to them, might be all expended, and would be by the end of the quarter. The sums in the hands of disbursing officers was no fund to meet these fourteen and a half millions, but were intended to be expended by the last day of the present quarter. The five millions left in the Treasury will be a fund, as far as it goes, to meet the fourteen and a half millions; but nine and a half millions will still remain to be reimbursed by the States, or to be levied by taxes off the people. The objects are not of a nature to be dispensed with, and the money to complete them must be got somewhere. This is material information to give to the States, and to give to them now, while their Legislatures are occupied with the question of our deposite act, and some for treating it as a deposite, and some as a distribution. With this document before them, no State can treat it as a distribution; no one can look upon the deposite as money for which the Government has no use; but every one will see that there is indispensable need for it; and by looking at the date of each appropriation, they will see that this unavoidable surplus was forcibly created by keeping off appropriations until it was too late to expend them.

Every body knew that the struggle of the last session was to keep off appropriations, and that the organization of committees gave the opposition the power to keep them off. In this way, the unavoidable surplus was violently and forcibly produced. Several millions were defeated altogether: namely, the anticipation of the foreign indemnities, by which the United States would have bought four millions of gold, bearing an interest of 4 and 5 per cent.; the army increase bill was defeated; the new fortification bill defeated; the New Orleans custom-house; the bill for the purchase of the Louisville and Portland canal; and others, to the amount of six or seven millions. From the beginning to the end of the session, he stood upon the ground that, if the proper appropriations were made, and made in time to be used, there would be no more surplus than had often been in the Bank of the United States, without exciting the least alarm in the bosoms of those who could now see nothing but corruption, danger, and ruin, from the like sums in the ninety different banks which now hold the public deposites. The United States Bank often held fourteen, sixteen, or eighteen millions of public money, and not a word is said about corruption; not more than that amount would have remained in all the deposite banks, if the necessary appropriations had been made, and made in time to be used. He wished this document to go to the people of the States, that they might see these facts. He knew it was somewhat ungracious to ask this Senate, so many of whom had voted for the deposite act, to furnish this evidence of the error under which they legislated; but certain it is, that many of them voted for it as a deposite law, in fact as well as in name, and not as a distribution law, under a false title, in derision of the constitution. Such Senators should have no objection to sending this document to the State Legislatures, to let them see the objects for which a reimbursement of this money must be made, or unnecessary taxes kept up to supply its abstraction. But of one thing he was certain, whether the Senate sent the document to the States or not, it would go to the States. After this attempt to suppress it, all must desire to see it.

Mr. CALHOUN remarked that he found the information which the gentleman from Missouri was so anxious to give the country was already before the Senate in a very authentic form. It was to be found in the table of estimates accompanying the report of the Secretary of the Treasury. He argued that, according to the assertion of the Secretary of the Treasury, who estimated the unexpended balances of appropriation at $14,636,062, the sum of $3,013,389 would not be wanted. The Senator, therefore, in sending out a document, setting forth that $14,500,000 were required for outstanding appropriations, would mislead the public, and make a false impression. Mr. C. contended that, taking the five millions which must be left in the Treasury, on account of the deposite act, from the eleven and odd remaining of the fourteen millions, together with the money at present in the hands of the disbursing officers, there would be funds enough on hand, within a small

amount, to meet the outstanding appropriations. Now, when it was admitted by every one that the surplus which would be on hand at the end of the next year would amount to at least twenty-five millions of dollars, (and for himself he entertained no doubt that it would be thirty, unless the country should be disturbed by a war, or some other unforeseen catastrophe,) he would seriously ask, was there a Senator on that floor, of any party, who would say, in a time of profound peace, (for he would not call the Seminole war interrupting the peace of the Union,) and recollecting the fact that this administration came in as a reform administration, that a tax should be raised, or that the money distributed under the deposite bill, should be refunded in order to make extravagant appropriations? He (Mr. C.) could not believe it. He knew that attempts would be made to prevent the renewal of the deposite act, though he could not say that this was one of them. But let him tell gentlemen that these attempts would only produce a reaction, and end in their defeat.

Mr. C., in conclusion, adverted to the subject of a reduction of the revenue, and the necessity of bringing it down to the legitimate wants of the Government. He insisted that the Committee on Finance, to whom was referred the consideration of this matter, were bound to show, in a satisfactory manner, either that there would be no surplus next year, or to admit the necessity of making an adequate reduction of the revenue.

Mr. BENTON said the document which had been read, to wit: the estimate of appropriations for 1837, was not unknown to him. He was no stranger to the document itself, or to the laws under which it was annually framed. One part of it, that of the estimates for the service of the ensuing year, was framed under an act as old as the Government; the other part of it, that which related to the unexpended balances, was more modern, and was framed under an act of 1820, to carry into effect more completely an act of 1795, relative to unexpended balances. This act of 1795 continues all appropriations in force for two full years after the year in which they are made; and at the end of those two years directs any balance that may remain to be carried to the surplus fund. The act of 1820 was to facilitate the understanding and use of these balances; and for that purpose it directed the Secretary of the Treasury to annex them to his annual estimate of appropriations, divided into three heads, according to the act of 1795; one head was to show what part of the unexpended balances of the expired year would be wanted in the first of the two next years, and what part in the second of them, and what part would not be wanted at all; and so would go to the surplus fund. Thus the unexpended balances are now, and, ever since 1820, have been shown in three columns, headed as directed by the eighth section of that act. Thus they stand in this estimate; and the amount under each head is, first, for the service of 1837, there will be wanted of these unexpended balances the sum of $11,427,480; for 1838, there will be wanted $3,013,389; and there will remain the sum of $195,183, which will not be wanted at all in either of the two years, and therefore will go to the surplus fund. The aggregate of these three sums makes the $14,636,062 mentioned in the President's message, and also in the document of the estimates; and the aggregate of the two first sums will make the amount in this second document which is now asked to be printed. In this document the third head or column is dropped, because the amount in it is no longer wanted; and the two heads in the first and second columns are united and made into one, because the object was to know how much of the appropriations were unexpended, and would be wanting in the next two years. This document shows that near fourteen and a half millions will be wanting, of which five millions remain in the Treasury, and about nine and a half go to the States. It is certainly desirable to the States to know at once that these nine and a half millions will be wanted in two years, and part of it the first year. This is the intimation in the President's message. Mr. B. read the passage:

"The unexpended balances of appropriation on the 1st day of January next are estimated at $14,636,062, exceeding by $9,636,062 the amount which will be left in the deposite banks, subject to the draft of the Treasurer of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States."

Mr. B. said, here was a clear declaration that these unexpended balances were to meet these outstanding appropriations; and if the future receipts into the Treasury did not meet them, the States might soon be called upon for a part of their deposites. Now, here was a question, first for the Finance Committee, and afterwards for Congress. Would they keep up unnecessary taxes to meet these balances, or call upon the States to refund? He, for one, should be against keeping up the taxes for this object, and should be for calling on the States, and therefore would show them at once the specific objects for which the money was wanted.

Mr. B. read another passage from the President's message to show that these moneys must be refunded by the States, or taxes, otherwise unnecessary, must be kept up to supply their place; so that, in no event, could they be called and treated as an unavoidable surplus for which the Government has no use:

"No time was lost, after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our seaboard, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you with the proper estimates, further sums for the like objects may be usefully expended during the next year."

Mr. B. repeated, the Government has a use for this money, and a use so urgent, that she must raise it by taxation, if any of the States violate the deposite act, and hold on to the moneys as their portion of a distributive fund.

To make this matter too plain for mistake, too obvious for commentary, and too imperative to be disputed, Mr. B. would refer to the letter of the Secretary of the Treasury, accompanying the annual estimates, and showing these unexpended balances, and expressly including them in his estimate for the service of 1837 and 1838. This is the letter referred to:

TREASURY DEPARTMENT,

December 6, 1836.

SIR: I have the honor to transmit, for the information of the House of Representatives, an estimate of the appropriations proposed to be made for the service of the year 1837, amounting to - - $20,354,442 57

Viz:

Civil list, foreign intercourse, and miscellaneous, - - -	$2,925,670 62
Military service, including fortifications,	

armories, arsenals, ordnance, Indian affairs, revolutionary and military pensions, and internal improvements,	$10,758,431 33
Naval service, including the marine corps, - - - -	6,670,340 62

To the estimates are added statements, showing,

1. The appropriations for the service of the year 1837, made by former acts, including arming and equipping the militia, civilization of Indians, revolutionary claims, revolutionary pensions under the act of 7th June, 1832, claims of the State of Virginia, gradual improvement of the navy, and public debt, - - $2,347,000 00
2. The existing appropriations which will not be required for the service of the year 1836, and which it is proposed to apply in aid of the service of the year 1837, amounting to - 3,013,389 34
3. The existing appropriations which will be required to complete the service of the year 1836, and former years, but which will be expended in 1837, amounting to - - 11,427,489 87

There is also added to the estimates a statement of the several appropriations which will probably be carried to the surplus fund at the close of the present year; either because the objects for which they were made are completed, or because these sums will not be required for, or will no longer be applicable to them, amounting to $195,183 64.

I have the honor to be, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

HON. JAMES K. POLK,
Speaker of the House of Representatives.

With these views of the subject, and these references to the President's message, and the Secretary of the Treasury's lettter, Mr. B. held it to be well proved that the document which he proposed to have printed and sent to the States was not a false or deceptive paper, to mislead and confuse the public mind, but a document true and perspicuous, calculated to instruct and inform the public mind, and to save all good citizens from the danger of falling into the error of considering the moneys deposited with the States as an unavoidable surplus, for which the Government has no use, and which they may consequently treat as their own. This document, if printed, will save all good citizens from that error, and show them that the Government has actually appropriated a large part of the money deposited with them, and must get it back, or raise it again by taxes.

Mr. CALHOUN said he had certainly made no complaint of inaccuracy on the part of the Secretary of the Treasury. He presumed that his calculations were perfectly accurate; but what he complained of was, that the Senator from Missouri proposed to send out a document which was not correct, with a view to show the outstanding appropriations remaining unsatisfied. He maintained that the document was entirely pernicious, for it set forth what was not really the truth of the case; and all that he desired was that the public should not be deceived on the subject.

Mr. DAVIS had but one word to say in regard to this matter. If he understood this proposition, it was to give information to the States, to regulate their conduct in some legislation it was supposed they were about to be engaged in. It was information, therefore, of some importance, if it was to regulate the conduct of the States in that particular. But, then, if it be important, and is to be of service, it ought to go in a correct form. Now, how did the Senator from Missouri propose to send out this information? It was, that there was now an unexpended balance of appropriations of fourteen millions of dollars, and the inference was, that the money must be called back from the States to meet these balances when wanted.

Now, if this was a fact, the information had better be sent out; but if the tendency of it was to mislead every body, it ought not to be given. The President said that there was a balance of unexpended appropriations of fourteen millions of dollars, and when the five millions left in the Treasury by the provisions of the deposite law was deducted from the sum, then there would remain nine millions; and the President proceeds to say, that if there should be no money in the Treasury to meet this balance, then Congress must make some arrangement for that purpose. Now, he called upon the Senator from Missouri to show, and it was incumbent on him to do so, that there would be no money in the Treasury to meet these balances. Now, did the Senator from Missouri propose to show any such thing? No, he did not pretend to say that the receipts into the Treasury would not be sufficient to meet all demands. What was to be the consequence of sending abroad this document? Was it to create an alarm, and prevent the States from making use of the money placed in their hands? Was there any reason to suppose that there would be a deficiency of the revenue? Has your Secretary of the Treasury, asked Mr. D., said that there will be any deficiency of the revenue? No, sir, no such thing; he suggests the bare, naked fact, that there will be fourteen millions of dollars of unexpended appropriations of the last year. Well, what did the Senator from Missouri say in regard to the revenues of the country? Why, he chided and rebuked them all (and he took it very kindly, for he was subject to such rebukes) for staving off appropriations at the last session, and, in the end, withholding appropriations. Well, sir, (said Mr. D.,) I plead guilty to the charge; I was one of those who resisted the double and triple appropriations on the fortification bill, (and I see those around me who did the same,) and sleeping or waking I have never had occasion to regret the course I then took. Why, did the Senator know what were the actual expenditures of the last year? If he did not, he could know it by looking at the President's message and accompanying documents, and he would find that they amounted to thirty-two and some odd millions of dollars; and, if he understood matters, these fourteen millions were to be added to it—making forty odd millions appropriated last session. Sir, (said Mr. D.,) compare this with the appropriations of any other administration, and see what has been appropriated by the very reluctant Congress, who have been chided for staving off appropriations, and for withholding appropriations. Find, if you can, (said Mr. D.,) a parallel to this sort of extravagance. He was astonished that any Senator could rise in his place and indulge in such rebukes as the Senator from Missouri had, after the extravagant appropriations of the last session.

The Senator seemed to consider this a question, whether this money should lie in the Treasury, to be disposed of by the officers of the Government, on their responsibility, or go to the people of the States, from whom it came. This was the question that was made there last winter, and he, for one, never could hesitate how to vote on it. After some further remarks, Mr. D. said he thought some misapprehensions existed as to the information sent out from the two Houses of Congress. Did all these documents that were daily printed go to the poor and uninformed? They who stood there knew

better. It was all a miserable farce; for long before they were sent out from there, they were printed and reprinted, and circulated all over the country.

As it had been customary to accede to the proposition to print an extra number of copies of any document asked for by an honorable Senator, he would not deny the Senator from Missouri the printing of the extra number of copies of this document; but he requested that the question as to printing, and as to the distribution of the copies when printed, might be taken separately.

Mr. BENTON replied to the gentleman from Massachusetts, [Mr. DAVIS,] who had spoken of the large appropriations of the last year; but the gentleman had forgotten to mention two things, which would have spoiled the face of the large sum which he presented: first, that fourteen or fifteen millions of this sum were extraordinaries growing out of Indian wars and Indian treaties; and, next, that fourteen and a half millions more were appropriated at so late a day that they could not be expended. Mr. B. knew that these large appropriations were to figure in speeches out of Congress, as well as in it, and, therefore, took care before the rise of the last session of Congress to have a document prepared at the Treasury to show each object of appropriation, so that the extraordinaries might be seen, and no one deceived by the exhibition of the large amount appropriated. That document nullified the cry of extravagance, so incontinently set up just before the presidential election; and this document that he now asked for would nullify, in like manner, the idea of the unavoidable surplus for which Government had no use, if he should be so fortunate as to get it printed and distributed through the States. The great error of the party to which the gentleman belonged was in acting upon a certain notion which possessed all their heads, namely, that the said party possessed all the learning, all the talents, all the wit, all the genius, all the religion, morality, civility, decency, and politeness, now extant in our America; for, in acting on this notion, they necessarily considered the people as having none of those valuable qualities, as they themselves possessed all; and, therefore, they could pass off any thing they pleased upon the Bœotian multitude. This error, though comfortable in itself, and so well calculated to keep a man on the best of terms with himself, had been the source of innumerable miscarriages to the gentleman's party, and would be the source of several more. This surplus conception would be one of them. All the work of the last session to create the surplus was distinctly seen by the country; every body knew that every branch of the public service was suffering for money, and clerks raising money at usurious interest to live on, and officers raising money on their own credit, while the two Houses of Congress resounded with the cry of surplus millions, and so many labored to stave off, cut down, and defeat appropriations, in order to create surpluses for distribution. Another great error was to suppose that immense popularity was to be gained now by pushing the system of annual distributions, and endeavoring to out-run, out-leap, and out-jump one another in the glorious race of making and dividing surpluses. But the people saw through it all, and despised it all, and went for a reduction of taxes, and no surplus. They knew that the whole business was unconstitutional, corrupt, and demoralizing; and had no idea of seeing it kept up, and a regular attempt made to pension the States as paupers upon the Federal Government. They knew the absurdity and insanity of raising money one year to be paid back the next; they knew, without having read it in a book, that the famous phrase put into the mouth of Queen Elizabeth by Lord Treasurer Burleigh, and which he himself took from Demosthenes, contains all the wisdom which can be taught on this head, namely, that the "pockets of the people are the cheapest and safest treasuries for keeping surplus moneys which the Government can have." They know this, and the squabbles, intrigues, collusions, and bargains, which they will soon see, for enabling the few to handle these surpluses, and the doubtful or political objects to which they will be applied, will soon disgust them with the whole scheme; and if this document can be printed, they will see in it, the people of each State will see in it, objects as meritorious, and as near and as dear to them, as any that can be devised for the application of the moneys in their own Legislatures.

Mr. KING, of Alabama, said, of all the extraordinary discussions he had ever heard in that body, that of this morning was the most extraordinary. He would ask the Senator from Missouri what object, what aim, and what end, he proposed to accomplish by the motion he had made, and the speech he had delivered? If, said Mr. K., it is designed to operate on the deposite bill of the last session, it is a matter that has gone by, and is now before the country for good or for evil. For himself, he felt no reluctance in submitting to the judgment the country will pass on the measure. If it be to victimize those who, at the last session, took a view of that subject different from that taken by the honorable Senator, then his motion was properly accompanied by the remarks we have just heard; for, said Mr. K., the Senator from Missouri and myself differed as widely at the last session as we appear to do now. He entertained the opinion then, that there would be a large, very large, amount of money in the Treasury, which could not be appropriated, without resorting to such extravagant expenditures as no administration could even approach and retain the confidence of the country. He believed, in common with many others that he saw around him, and with whom he felt proud to act, that it was their duty to devise some plan by which the Treasury could be relieved from the excess of revenue, and those who administered the Government freed from the suspicion that it would be used to effect improper purposes. Well, sir, (said Mr. K.,) we believed that the best mode to effect those objects would be to deposite it with the people of the States from whom it had been unnecessarily drawn. We believed that, by this course, the friends of the administration were not only subserving the great interests of the country, but freeing it from the possibility of censure. Who will venture to assert (said Mr. K.) that the placing this money in the treasuries of the several States, to be used as, in the discretion of the State Governments, was best calculated to advance their interests, and subject to be returned whenever wanted for national purposes, was not a better and safer deposite for it, than to leave it with the deposite banks? Sir, said Mr. K., the bill passed, and passed with the strenuous opposition of the Senator from Missouri, who, no doubt, acted from the purest motives, and honestly believed that the money would be wanted to meet the expenditures of the General Government. Whether the Senator was right or wrong, I leave to the country to determine; but, (said Mr. K.,) while I am ready to give him credit for the purest motives in opposing the deposite bill, I will not consent to be held up to the American people as so unwise, so impolitic, and so unjust, as to lend myself to a system of distribution. Nor, sir, can it be charged upon me, or the political friends with whom I acted on that occasion, with the slightest semblance of correctness, that we endeavored to create a surplus for distribution, by delaying or withholding the necessary appropriations. Far from it; far from it. Sir, our appropriations nearly doubled the estimates from the various Departments at the commencement of the session. We knew that there was an overflowing Treasury, and we gave liberally; in most instances, more than could be expended; but the Senator complains loudly

that this was produced by delaying the appropriations. He would not stop to inquire whether such delay, if it did take place, resulted from the course pursued by the opponents of the administration, or from the various schemes (some of them certainly of a most extravagant character) which were pressed upon the attention of Congress. When was it ever known that all the appropriation bills were passed through both Houses at an early period of the session? But we are told that, not having passed bills in time to meet the expenditures of West Point, Harper's Ferry, and to pay the salaries of the clerks in the public offices, was evidence of a determination to create a surplus. Delays of this kind have frequently occurred since he had been a member of the Senate, and have, no doubt, always produced serious inconvenience to those whose pittance was thus withheld; but did any one ever before hear it gravely charged upon Congress that the object of this delay was to create a surplus? He (Mr. K.) would repeat that he had given his support to the most liberal appropriations; but, at the same time, had withheld his assent to propositions for squandering the revenue, based upon repeated calls to ascertain the maximum of expenditure. What was necessary to meet the proper and economical expenditures of the Government, he would never withhold; more he would not give, even at the risk of being charged with a design to create a surplus. Sir, said Mr. K., the republican doctrine, as he understood it, was to draw no more money from the pockets of the people than was required to meet the judicious expenditures of the Government; and if the revenue proved too great, reduce the taxes. Upon what principle, by what constitutional right, do you tax the people, and draw money into the Treasury not required to carry on the operations of the Government? He held there was no such legitimate power, and the exercise of it was a gross usurpation. But we may be told that the compromise bill, as it has been termed, stands in the way of reduction. He (Mr. K.) had voted for that bill, but imposed upon himself no obligation to hold sacred its provisions. He had so declared in his place. He had voted for it under a species of duresse, arising from the peculiar situation in which a portion of our country was then placed. He had believed that it did not do justice to the extent we had a right to demand, but it was all which could then be obtained, and he had accepted it; nor would he now lightly disturb it. He believed that, by a reasonable reduction on such articles as would not affect the manufacturing industry of the country, and by confining the sales of your public lands to those who purchase for actual settlement, you will go far to reduce the receipts of the Treasury to an amount, little, if any, exceeding the wants of the Government. Let us try these reductions, and if even then a surplus should be found, we may cast about for some useful and constitutional mode for its disposition. But under no circumstances could he ever consent to the prospective legislation proposed by the Senator from South Carolina; a resort to such a system of distribution or deposite, call it which you will, would, in his judgment, be one of the greatest misfortunes which could befall the States; and all who regarded their rights should array themselves against such a project.

We are told by the Senator from Massachusetts [Mr. DAVIS] that the appropriations of the last session had been extravagant beyond measure. They were liberal, sir, not extravagant. There was an overflowing Treasury, and the state of the country rendered them proper. The Indian appropriations had been great; but for them he gave his most cordial support, from policy, from justice, from humanity. The policy of their removal was the only sure policy; the only earthly mode by which that unfortunate race can be preserved as a people. Sir, my constituents felt this, and were prepared to justify expenditures which otherwise might appear extravagant, to effect objects so desirable.

Mr. K. said he was extremely sorry that it was necessary to enter into a discussion as to the effect of the deposite law of the last session. That effect was yet to be seen, and the States themselves had the responsibility of making a proper disposition of the money intrusted with them. Whether we, (said Mr. K.,) in our ignorance, have deposited more money with them than we can spare, so that a portion of it will have to be called back for the necessary expenses of the Government, was another question. But such he did not understand would be the case. The argument of the Senator from Missouri did not put it on that footing. There was no Senator, he believed, who was not satisfied that the five millions left in the Treasury by the provisions of the deposite act, with the receipts of the year, would be amply sufficient to meet all the appropriations as they were wanted. If, however, it should, by a bare possibility, turn out otherwise, there was not a State in the Union that would hesitate for a moment in answering any call on it that might be made by the Secretary of the Treasury.

He was not disposed (Mr. K. said) to complain of the course taken by the Senator from Missouri. If the object of the gentleman was to oppose a prospective distribution, it appeared to him that it would have been as well to have waited until the bill for such an object came before them. With regard to the manner in which that bill had been treated by the Committee on Finance, he believed that, as a reduction of the revenue was contemplated by them, they preferred to let it lie until it was found what could be done on that subject, without making a formal report. I go (said Mr. K.) for a reduction of the revenue down to the wants of the Government, and then we shall hear no more about deposite acts. I hold that you have no right to create a surplus and then distribute it; and that, on the contrary, you ought to reduce the taxes. I hold it my duty to oppose, as far as my little influence extends, any prospective plan for a distribution of the surplus, and will be unwilling to act on any such bill until it shall be found that it is impossible to reduce the revenue by either of the two modes proposed.

Mr. K. said he felt himself bound to make this explanation, in consequence of the course the debate had taken, as he had voted for the deposite law of the last session, believing that in doing so he was making the safest and least objectionable disposition of the vast sum accumulating in the Treasury. He should vote against the mode proposed by the Senator from Missouri, of distributing the extra copies of the document before them, because such distribution would be unusual, was calculated to give erroneous information, could do no good, and, by attaching an unnecessary importance to it, mislead those to whom it should be sent.

Mr. CALHOUN observed that if the document was to be printed, it had better be done in the form in which it already was, for that was by far the most accurate. But he did not see the slightest necessity for printing it, and hoped it would not be printed.

Mr. NILES said that he would make a single remark. He had, in the course of the debate, heard but one reason assigned for sending this document to the States, which appeared to him to be entitled to any consideration: this was, that the information it contained might be useful to the Legislatures of the States, in giving a wise and prudent direction to their legislation in regard to the money they were about to receive under the provisions of the deposite act. This, he considered, was a legitimate, fair, and, he would add, important object. There was too much reason to fear, he thought, that the States, or many of them, might make an unwise disposi-

tion of this fund, and perhaps such a disposition as would not be altogether consistent with the principles and spirit of the deposite law. Did he believe that this document contained information calculated to enlighten their course, and that it embraced all the information necessary and proper for that purpose, he might be willing to vote for so unusual and extraordinary a measure as that proposed by the Senator from Missouri, [Mr. BENTON] He doubted, however, whether this document would answer any useful purpose. It did not contain all the information necessary, and he learned it would be more likely to mislead than to enlighten the action of the States. If any document could set public opinion right on this subject, he thought the message of the President was best adapted to do it. But he despaired of attaining this object: public opinion had taken its course, and settled down under peculiar circumstances, and cannot be changed by any document we can send to the States, or among the people. So far as it is wrong, it must work its own cure.

Sir, (said Mr. N.,) perhaps no law ever enacted by Congress has had so strange a destiny as the deposite act of last session. Its true character had been misrepresented, grossly misrepresented, both by friends and foes, by all parties throughout the whole Union. During its long and arduous struggle in this hall, it was treated, by all who supported it at least, simply as a deposite bill. But the moment the question was finally decided, and before the bill had got really out of the Senate, what did we hear? Why, one voice was raised—a voice of triumph—calculated to give to the law a false character. And what did we witness afterwards? The friends of the measure, he meant the original friends, those who claimed its paternity, all united, in every way and form, through their organs, the press, and in every other way, in giving a false character to the act. It was declared to be a distribution bill, a law for dividing the surplus revenue among the States. But this was not all, nor the worst. The opponents of the measure united and made common cause with its friends, its original friends, in misleading the public and giving a false character to this law. Among them, his distinguished friend from Missouri [Mr. BENTON] had lent the influence of his great name and fame, the extent of which no one knew better than himself, to give a character to this act. He had no doubt the gentleman supposed he gave it its true character; yet some of us, (said Mr. N.,) who had felt it a duty to support it, although as much opposed to the principle of distribution as that Senator himself, thought he gave it a false character. He declared it to be a distribution act, and the triumph of the scheme of dividing surpluses among the States.

Under such circumstances it had been found of no use to attempt to present to the public the true character of this measure. If we held up the act, and pointed the public mind to its plain letter and distinct provisions, which declare that the money is to be deposited with the States in trust for safe keeping, and to be returned when demanded, we were told: "It is of no use, every body knows that this is a distribution of the surplus, and that the money will never be called for." Such were the circumstances under which public opinion had been formed, and it was in vain to think to change it by sending documents to the State Legislatures at this time. Nothing short of a voice from Heaven could satisfy a large portion of the people that this money does not belong to the States, and it will be received and disposed of under these false and erroneous views.

In regard to the benefits or the evils of handing this surplus over to the States, they yet remained to be known. Of the dangers and difficulties which it will be likely to occasion, he was as sensible as any one. We have removed the burden from our own shoulders, and thrown it on the States; we have sent the golden apple of discord among them, and it remains to be known whether it will be used for good or for evil—whether it will be a blessing or a curse.

The Legislature of his own State was now in session, and he was informed were distracted with the disposition of their share of the surplus. There were many schemes for disposing of it, and which would prevail he could not say; but presumed that the erroneous impressions to which he had alluded would have their effect, and that the distribution principle would triumph, and that the fund would be divided and subdivided, he could not say to what extent. It was proposed to divide it up among the towns; and whether the distribution principle would stop there, or be followed out, might be doubtful; for so strong had this principle taken hold of public sentiment every where, that he should hardly be surprised to hear that a more thorough distribution had been made, and that the whole fund had been divided up *per capita*, among every man, woman, and child, in the State, for safe keeping. He hoped the fund would prove beneficial to the State, although for a time it may distract its councils. There were those, however, who regarded the evil as greater than the benefit. A letter he had this day received from a friend on the spot, says, "For God's sake send no more money among us."

The conduct of many in regard to the deposite act had been very strange; they condemn the principle of distribution, they condemn the deposite bill, they condemn those who voted for it, yet they are willing to receive the money; nay, they seize upon it with the keenest avidity, and seem determined to follow out the principle of distribution, which they condemn, and determine to distribute, divide, and re-divide the fund, until they can get a share of it into their own pockets. These are some of the first fruits of dividing up surpluses among the people.

But great as he considered the danger from sending this money among the States, he regarded the evils of its remaining in your Treasury, and deposite banks, as still greater. Our act did not create the evils from this surplus, although it may have transferred them from this Government to the States. But the danger and the evil existed: it was here, it was upon Congress, tempting us to extravagant expenditures; it was upon the deposite banks, inflating and blowing up our whole paper system. Whatever else might follow, one thing was certain: we had removed the evil from Congress; we had thrown off a burden which had rested heavily upon us, and which he considered was more than we could bear; he felt relieved, and rejoiced to get clear of the difficulties which surrounded Congress the last session.

The only legitimate object of sending this document to the States could not be accomplished; they had already taken their course, and must be permitted to go on. If the Senator from Missouri wished—which he presumed he did not—to send this paper to the States, to persuade them or the people that Congress had done wrong at the last session, that the money they were about to receive was wanted for the legitimate purposes of this Government, he could not aid him in that course; he could see no good that was to result from it, and it did not appear to be exactly just towards those who had voted for the deposite act, although disapproving of the principle of distribution.

It would be presumption in him to attempt to advise so distinguished and experienced a Senator as the gentleman from Missouri. But he might be permitted to say what would be his own course, and what appeared to him to be the course dictated by wisdom and policy. He would not revive the contentions of the last session; he would not unnecessarily fight our battles over again. Sufficient for the year are the evils thereof. Instead of

attempting to use this unexpended balance fourteen and a half millions as an argument against the act of last session, he would make use of it to oppose the extension of the distribution principle, to resist the distribution scheme of the present session. The war is not over; all the projects of last session are revived: we have the land bill, and the bill for distributing surpluses to the States, already before us. Let us now make a stand, fortify our camp, and not uselessly waste our ammunition. We shall want the unexpended balance of last year's appropriations, and all other facts and arguments which we can bring to our aid, successfully to resist powerful efforts which are to be made to follow up the distribution of surpluses annually, until the system shall be fixed upon us as the settled policy of the Government. This appeared to him the wiser and better course; he could not, therefore, vote for the gentleman's motion.

Mr. HUBBARD said that, when he was up before, he had expressed a wish that the Senator from Missouri would so amend his motion as to confine the printing of the document for the use of the Senate; and, after the discussion which had taken place, he felt confirmed in the propriety of that suggestion. The Senator had stated, as a reason for wishing to send this document to the State Legislatures, that the question as to the manner of disposing of the deposite fund was now pending before them, and that the document was intended to inform them that Congress had been apportioning money to the States for deposite; the sum of fourteen millions of dollars, which was an unexpended balance of appropriations which had actually been made, intending thereby to make the impression that this balance of appropriations must be had; and, in order to supply the Treasury with the necessary moneys, a part of the money which would be deposited with the States after the 1st of January, in pursuance of the deposite bill of the last session, would necessarily have to be returned to the Treasury, and intending also to produce an influence upon the action of the Legislature upon this subject, and moreover to hold up those who were the avowed friends of this bill to the odium of their constituents, for sending among them money required for the use of the Government. He was so unfortunate as to have differed from the Senator from Missouri, as to the propriety and policy of passing that deposite bill. He gave it his support. He had seen no cause to regret that vote. He then believed it right and proper, and demanded from a just regard to the public interest. He still believed the same; and, under the same circumstances, he should not hesitate to give a similar vote upon the same subject. He had voted for the bill, and he had also voted for the appropriation bills which are enumerated in the document proposed to be printed. He well understood the effect of his vote; and he, for one, was then entirely satisfied that the whole amount of those appropriations could not be expended before the 1st day of January next; and yet that fact, of itself, had no influence upon his mind, to deter him from giving his support to the deposite bill. The whole history of our legislation, since the foundation of the Government, will show an unexpended balance of former appropriations remaining in the Treasury at the commencement of each succeeding year. The unexpended balance on the coming 1st day of January will undoubtedly be larger than usual; but, after deducting the five millions left in the Treasury, according to the provisions of the deposite bill, the sum will be reduced to about the usual unexpended amount of appropriations. But the document, unaccompanied with any other fiscal statement, as he had before remarked, would certainly give wrong impressions, and tend to darken, rather than enlighten, the public mind as to the true condition of the Treasury. A reference to the Secretary's report upon the finances would show what would be the probable condition of the public Treasury at the close of the year 1837. There could be no mistake about this matter; making the ordinary appropriations, and calculating only upon a receipt of five millions from the sale of the public lands, instead of their being deficit in the sum of fourteen millions, there would not be a deficit of over two or three millions, upon the showing of the Secretary himself. The document, he again repeated, was calculated to mislead; and unless it could be accompanied with an official statement of what would be the means of the Treasury on the 1st day of October, 1837, when the deposite bill will have been executed, to meet all claims upon the Treasury, he should be opposed to sending it to the State Legislatures. He was entirely willing to give all desirable information; he would withhold nothing from them which could be useful; but the document, printed as it is proposed to print it, independent of the other official reports upon the state of the finances, would, it seemed to him, afford no useful information. He would venture to predict that, during the next fiscal year, there would not be any period when the Treasury would feel embarrassed from having deposited with the States the sum actually found in the Treasury on the 1st day of January. So far from it, in his belief, there would be found, at the close of the year, means sufficient to meet all claims upon the Treasury. He would, however, express the hope that the Committee on Finance would be able to bring forward some measure, which, in effect, would leave hereafter in the pockets of the people, "the best depositories of the public money," what will not absolutely be required for the use of the Government. Such a measure he should support. He would again, in conclusion, repeat his former request, that the Senator from Missouri would so amend his motion as to have the document printed for the use of the Senate. He had no objections to printing an extra number, but he had objections to sending this document, under the authority of the Senate, to the State Legislatures, as a document designed to aid them in their action, which, he believed, was calculated to produce a contrary effect.

Mr. STRANGE rose and said that he was but young in the Senate, and therefore it would be rash in him to lay down any rule for its action. But he might venture to say that on this, as on every future occasion, he would vote in favor of printing any paper which was calculated to give information to the people. He understood there were very few gentlemen in this body who objected to the proposition of the Senator from Missouri to have the document in question printed; but the objection was to its being sent to the Governors and Legislatures of the several States; and he (Mr. S.) concurred in that objection. He confessed that he was somewhat surprised to see the Senate thrown into a tumult from a mere proposition to print a document; but when he recollected how Senators were situated with regard to a measure adopted at the last session, his wonder ceased. He could not vote to send a document out, upon the grounds urged by the honorable Senator from Missouri. He was opposed to sending copies to the Legislatures and Governors of the States. And he was opposed to the proposition on another ground: the effect which it might seem it was intended to produce on the Governors and Legislatures. On the document reaching them, the natural inquiry would be, what was the object to be accomplished by sending us this document? It certainly was designed to have some effect. Is it to operate on the Legislature? What right has Congress, or any portion of Congress, to dictate to us or to either branch of our Legislature? Upon this matter (concluded Mr. S.) we are supreme, and have no superior. We judge for ourselves, and think no man or body of men have a right to interfere. I therefore unite with the Senator from New Hampshire

[Mr. HUBBARD] in praying the Senator from Missouri to call to his recollection the fable of the boy and the filberts, and strike out that part of his proposition relative to sending copies of the document to the Governors and Legislatures of the several States.

Mr. BENTON accepted the suggestion of the Senator from North Carolina, and modified his motion accordingly, so that one thousand extra copies were ordered to be printed for the use of the Senate.

ELECTION OF CHAPLAIN.

The Senate then proceeded to the election of a chaplain; when, the ballots being counted, it appeared that the Rev. Mr. Goodman, having received 22 votes, was duly elected.

Several bills received from the House received their first and second reading, and were appropriately referred; when

The Senate adjourned.

THURSDAY, DECEMBER 29.

ADMISSION OF MICHIGAN.

Mr. GRUNDY, from the Committee on the Judiciary, reported a bill for the admission of the State of Michigan into the Union; which was, by consent, read twice.

Mr. GRUNDY moved that the bill now receive its third reading: it was but short; the facts of the case were well known; and if any Senator wished further information, he stood ready to give it, so far as it was in possession of the committee.

Mr. EWING objected to the bill's receiving its third reading at this time. It was far too important in its character to be hurried through the Senate in this manner, without time to look at or consider it.

Mr. CALHOUN joined in the objection. He had not, he said, looked much at the question involved in the bill, nor was he acquainted with the facts of the case; but, assuming them to be as had been stated in the President's message, this was one of the very gravest questions ever submitted to the Senate. It was certainly one which required to be maturely considered, and carefully weighed. He wished more time for reflection: first, that he might more accurately ascertain what the facts were; and, secondly, that he might weigh them in his mind with the care they demanded. He presumed others were of like mind; and, with a view to ascertain the wishes of the Senate, he would move that the further consideration of the bill be postponed, and that it be ade the order of the day for that day week.

Mr. GRUNDY did not object to allowing gentlemen a reasonable time, but thought the day named too distant. There was one good reason why the bill should receive an earlier consideration: the distribution of the deposites was to take place soon after the 1st day of January next, and it was desirable, if the bill was to pass at all, that it passed early enough to admit the State of Michigan to receive, with her sisters of the confederacy, her due proportion of the public moneys; but if the whole subject was put off, as had been moved, the passage of the bill might be so far delayed as to render this impossible. This, surely, was a strong argument for as early an attention to the subject as possible. As to the facts of the case, they were detailed in the President's message, and in the documents which had been reported with the bill: he was fully aware that they presented a case, in regard to which the judgments of gentlemen might widely differ; but the facts themselves were few, and might soon be told. In June last, Congress had passed a bill declaring that, on certain conditions therein set forth, the new State of Michigan should be received into the Union: one of which was, that certain boundary lines should be assigned to the State; and another, that a convention of the people of Michigan, convened for the express purpose, should express their assent to these conditions, and agree to come into the confederacy on the terms prescribed. The act contained no directions as to the manner in which such convention should be called. A convention was ordered by the Legislature of Michigan; which met, and concluded to reject the conditions of admission, and communicated such dissent to the President of the United States. On farther reflection, however, without any particular form of legislation, the people themselves had since spontaneously met in their primary assemblies, and called a second convention, by which body it had been agreed to accept the conditions of the law, and thus to enter the confederacy. It was since ascertained that from 5,000 to 6,000 votes for this latter convention had been cast for the same members who had formerly decided to refuse the terms of admission, and from 8,000 to 9,000 in favor of men of a different opinion. This, he believed, was about as correct a statement of the facts of the case as could be obtained by greater delay. The question was certainly open as to the validity of the acts of this latter convention, on which, no doubt, there would be a diversity of opinion; but as to the facts there could be no dispute. It would appear, on examination, that although a majority of the people of Michigan had, at the date of the first convention, been opposed to accepting the terms of admission, yet, at the time the last was held, an overflowing majority had been in favor of the measure. When these facts should be found and admitted to be as stated, Mr. G. should give his views as to what ought to be the consequence. But he was anxious that the law should be passed in time for Michigan to get her proportion of the public money. The Secretary could not make the distribution on the first of the month, as all the returns would not then be in, but he might probably be in circumstances to do so within ten days thereafter.

Mr. CALHOUN said that no Senator was more anxious that the new State of Michigan should be received into the confederacy than himself, or could be more willing that she should obtain her due proportion of the public money placed in deposite with the several States. He desired to interpose no unnecessary delay, and would vary his motion so as to propose that this bill be made the order for Tuesday next. (Monday, he presumed, would scarcely be a business day, and many of the members might be absent.) According, however, to the statement given by the gentleman himself, there was at the bottom of this subject one of the gravest, the very gravest, questions which could be agitated; so grave, indeed, that important as he conceived the deposite act to be, he could almost prefer that their respective proportions of the surplus fund should be withheld from all the States, than that a bill like this should rashly be passed. He wished, he repeated it, more time for reflection.

Mr. MORRIS said that although he was one of the committee who had reported the bill, yet he did not concur in the preamble as reported. He did not, indeed, doubt that Michigan ought to be admitted into the Union, and should rejoice at her admission. But, as the chairman had correctly stated the act of Congress, providing for her admission, made it conditional, and required her previous assent to the condition, that assent was to be made known to the President of the United States. Now, the assent of the people of Michigan had not yet reached the President at the date of his last communication, and therefore Congress did not officially know the fact. The first question was, whether the Senate was competent to declare the act of the last convention a valid act. The law required that a convention should be called for the express object of expressing assent or dissent to the conditions of reception. Now,

the Senate had learned from the President's message that the people of Michigan had assembled in a convention called by their own Legislature, and had declared their dissent, and had communicated such dissent to the President. But, after this solemn act by a convention legally called, it seemed that there had another convention been gotten up without any authority of law, and on the acts of this body the present bill was founded. It involved questions of the highest magnitude. Mr. M. went on to express his opinion that the doings of the latter convention could be no guide for the legislation of Congress, who ought to act just as if no such body had ever met. He was of opinion that the third section of the admission law, which required the previous assent of the people of Michigan to conditions presented by Congress, was an imposition upon that people; but the correct mode would now be to repeal that act, and to receive the State at once. The whole law had proceeded on the hypothesis that there was an unsettled boundary line between Michigan and the State south of her; but, as one of the Senators of that State, he considered the question of boundary as fully settled. He was willing to admit Michigan, but not on grounds which were unfounded in fact. He gave notice that he should, when the bill came up for consideration, move to strike out the preamble; it was intended as a key to the bill; but it was calculated rather to mislead than to guide to the true principle on which the bill was founded. It was possible that, on further reflection, he might change his mind; but such were his present impressions.

Mr. GRUNDY said that the committee, when draughting the bill, had also taken under consideration that view of the subject presented by the Senator from Ohio; and if, on Monday, the Senate should concur in that view, no regard would be had in the bill to the late convention accepting the terms of admission, and thus the object of admission would be attained. But it was on this ground that Mr. G. preferred the preamble: that Michigan could then never claim, as a State, what Congress had thus decided against. And, as there was an inveterate controversy between Michigan and Ohio, he thought it the better way to bind Michigan, so that under no pretext could she set up a claim to a section of country belonging to Ohio. If the preamble should be stricken out, the subject would be more open to controversy than if it should be retained. Mr. G. believed that, by the preamble, Michigan would be estopped from coming forward and claiming any thing. It was merely on this ground that he was in favor of retaining the preamble. But, to obviate objections, he was willing that the bill should be postponed, and made the order of the day for Monday next.

Mr. BUCHANAN said he was aware that the present was not the proper occasion to discuss the merits of the bill which had been reported: nor did he purpose to enter on its discussion; but, as other gentlemen had briefly stated their opinions on the subject, he would in like manner state what was his own view of the matter. He did not consider the subject of the bill as peculiarly grave or difficult, save as it was always a grave question whether a new State should be received into the Union. The language of the admission act, which had passed last year, was very plain to him, so much so, indeed, that he had expected the President would have issued his proclamation at once, without referring the question to Congress for decision. Mr. B. here quoted the act, and observed that it contained no provision requiring any legislative action on the part of Michigan, to authorize a convention of the people. It would have been improper that it should. He insisted it was perfectly competent for the people of that Territory to hold a convention spontaneously, without any application to the Legislature about the matter; and if they had done so, the only question was whether such convention had decided to accept the conditions of admission which Congress had (very properly, in his judgment) required. He believed it had: and the case was therefore very plain. He understood there had been more votes, by 2,000 on both sides, given in this latter than in the first convention; and no matter how many unsuccessful attempts had previously been made, if their consent had at last been given, there was an end of the matter; they were clearly entitled to admission. He should not enter on the argument, but merely threw out his opinion, which he should be ready, at the proper time, to enforce with what little power he might command.

Mr. EWING concurred with his colleague [Mr. MORRIS] in the opinion that the last convention held in Michigan was altogether illegal and unauthorized. He saw in it nothing which was entitled to be called a convention of the people. He was also opposed to the preamble of the bill. He had not examined the bill itself, and could not say what might be his opinion of it, should the preamble be stricken out; but how much soever it might operate as an estoppel to the new State of Michigan from ever hereafter mooting again the vexed question of her boundary line, he was not in favor of having that estoppel effected by what he considered a mere fiction. [Mr. E. quoted the admission act, to show the conditions of admission.] Now, did any one suppose that it was a fulfilment of this condition for the people to rise up in their primary assemblies, without legal organization or civil authority, and declare their assent to the conditions of admission? Was society thus to be reduced to its elements, and was it to act without social organization? The act of Congress had recognised no such principle; it had recognised the principle of social organization; and to hold the validity of the acts of such an assemblage as had come together under the name of a convention of the people, was, in his judgment, so strange as to amount almost to an absurdity. Interested or not, he thought, in all fairness, the estoppel effected by such an act of assent ought not to be accepted and held binding. It was based upon an act that was wholly void. It was said, indeed, that a majority of the people had voted; but where was the evidence of any regular social organization in the convention? What guarantee did Congress possess that it had been convened according to the forms of the constitution? Who voted? Who notified the people at large of the time and place of meeting? Did the people all consent to such time and such place? It was, at least, not probable they did. The people of this country were in the habit of looking to some regular and recognised authority in all their proceedings. A, B, and C, in a particular county, declaring that they would meet to consider this public question, did not lay the basis of a convention. How had the election of members of the convention been conducted? Who had been the judges of election? had they been sworn? if so, their oath must have been extrajudicial. And who had been permitted to vote? It had been said there were two thousand more votes given on either side than in the first convention. That that number of votes had been counted he did not doubt; but where was the evidence that they had been given? No warrant, or qualification of voters, had been alluded to. Mr. E. had no objection to the admission of Michigan, but let it be done regularly, and in a proper manner; and let nothing like trick be practised upon the people of the new State, by an estoppel improperly obtained against their claims.

Mr. MORRIS said he was very thankful for information that would show the ground on which the parties stood in the discussion. He understood the gentleman [Mr. BUCHANAN] thus: that all which was required of the people of Michigan was that they should choose a conven-

tion, and that such convention should assent to the act of admission. The gentleman even went further; if one convention had failed, the people might choose another, and so go on *ad infinitum*. This doctrine (Mr. M. thought) went directly to dissolve the whole elements of society, and to destroy all the obligations of law. It amounted to this: that if an act of Congress should be passed for the punishment of an offence, which act required a judicial investigation, the people might, notwithstanding, rise in an original assembly, and themselves inflict the punishment.

Again: if Michigan had adopted a constitution, it was bound to abide by that constitution. But this proposed act of Congress would give the people of Michigan the power to amend and add to that constitution. Mr. M. thought that doctrines of this kind ought not to be tolerated. And if such an original convention was proper, how was it to be created? Was one county to notify another, or one individual another? or how was it to be done? If the people of Michigan might act in this irregular way, then so might the people of any of the States, and all government and law would be thus already dissolved into their original elements, and the whole fabric of our institutions would be reduced to a shadow. And the fault would not be so much in the people of Michigan as in this proposed act of Congress. Mr. M. thought much mischief would follow the passage of the bill with such a preamble. It would be establishing by Congress the doctrine that we are not to be governed by law, but by popular frenzy. When the Legislature of Michigan passed the law authorizing a convention, was there any objection made to that law? But why pass the law, if the people might rise in an original convention? It was such a convention that at least accepted the terms of admission—a convention which, as the President had informed us, was got up without law; and the President had therefore not issued his proclamation of admission. It seemed to Mr. M. that all this was a wide departure from the constitution and laws of the country; and he should, therefore, at the proper time, move to strike out the preamble.

Mr. BUCHANAN regretted that, in expressing a mere general opinion, he had unintentionally given rise to the present discussion. The Senator from Ohio, who had just taken his seat, had stated the ground he had taken in such strong terms, that Mr. B. supposed that if an angel from heaven should attempt to convince him of the contrary, he would labor in vain. That honorable Senator had discovered that he (Mr. B.) was a great latitudinarian; and that, if the principles he had stated should once be admitted, every thing would run to confusion. The people, it seemed, would rise, and not only legislate for themselves, but execute justice also!—(he presumed by Lynch law.) But he denied the justice of any such inferences from his doctrine. By what authority had the first convention been held? Not from any power given by the act of Congress to the Legislature of Michigan to pass a law calling a convention. Why, then, had such an act been passed? Clearly from the necessity of the case. Michigan had been acting as a sovereign State, and Congress had been treating with her touching her admission into the Union. It had been very proper in the Legislature to pass such a law; but the convention assembled under it had proved ineffectual. Congress had acted wisely in not requiring any act of the Legislature to give validity to the convention. The sovereign people of the State of Michigan had a right to do, in this matter, just what they should please to do. And even had the Legislature refused to pass a law calling a convention, the people would still have possessed the right to meet in their primary assemblies, and make their wishes known to the Legislature. He admitted that Congress should first be satisfied that the convention had acted in a regular manner, and had actually concurred in the conditions of admission. But, when this was proved, it was no longer a matter of favor to receive the new State. It was her right to come in. He should not go into the argument at this time; when the bill came up, he should be happy to meet the two Senators from Ohio in its discussion.

Mr. BENTON said it was impossible that any question could arise about the admission, on which every gentleman had not already made up his mind. The subject had already been four or five years before Congress. Mr. B. insisted that the question was a mere question of right—a right which existed four years ago, but which had been met at the threshold, and fought inch by inch, till, at the last session of Congress, the friends of the admission had determined to sit it out. The admission had been resisted in a manner unknown to the history of the country. And now it was to be put off till Monday, when the Senate had rather occasion to sit at night in these short days; and the nights would be necessary for the discussion of this question. If all the questions brought forward should be discussed, they must begin with Adam, who had but one woman to govern, and enter into the history of original conventions. There was no necessity of postponing till Monday. All the time would be little enough for them to get rid of what was pent up within them almost to bursting on this subject. But if postponed, then, when Monday should come, Mr. B. would come and sit down in his chair, and would camp on this ground till Michigan should be admitted.

The discussion ended by making the bill the order of the day for Monday next.

THE TREASURY CIRCULAR.

The Senate proceeded to the further consideration of the joint resolution rescinding the Treasury order of July 11, 1836, &c.—the question being on the substitute offered by Mr. RIVES, aiming, indirectly, at the suppression of the small bills of the State banks.

Mr. MORRIS having waived his right to the floor,

Mr. SOUTHARD addressed the Senate as follows:

The resolution of the Senator from Ohio [Mr. EWING] now submitted to our consideration, proposes two things—

To rescind the Treasury order of 11th July last, and to prevent the Secretary of the Treasury from delegating to others the power of directing what funds shall be received for the customs and public lands, and from making any discrimination in the funds which shall be received, either as to the persons who have to pay, or the objects for which the payments shall be made.

The amendment of the Senator from Virginia does not rescind the order, but, regarding it as legal and temporary, prescribes that, hereafter, dues to the Government shall be paid in specie or notes of specie-paying banks, provided the banks whose notes shall be received shall not issue those of less denomination than $5 now; less than $10 after 1st July, 1839; and less than $20 after 1st July, 1841; and also that no notes shall be received which the deposite banks shall not be willing to credit to the Government as cash.

The resolution satisfies itself with leaving the law on the subject as it was before the interference of the President and Secretary in July.

The amendment provides by joint resolution for the manner of payment and kinds of money which shall be received, and leaves the selection of the notes which shall be received neither to the Secretary, nor to the President, nor to Congress, but to the deposite banks. A strange surrender of power to them—a feature of a financial system to which it is impossible to agree.

The decision must be made by the Senate between the two propositions. I cannot hesitate in adopting the resolution and rejecting the amendment.

The resolution leaves the law as it was. By that law every citizen had a right to pay in the same kind of money; either in specie or in notes convertible into specie on demand. All were on an equality in this respect, in every part of the Union. This was just in itself, and suited to the fundamental principle of our institutions—equality of rights and privileges.

The resolution rests on the assumption that this state of things ought not to be changed, or, if it ought, that the Executive has no legal right to change it without the direction of Congress; that the Secretary, with or without the orders of the President, has no power of legislation in regard to the currency and the public lands; nor any authority to discriminate in favor of one citizen over another, or of the inhabitants of one State over another. These principles receive my concurrence; and I am, therefore, in favor of the resolution.

I propose to inquire—

What the order of 11th July prescribes?

What were the reasons and objects which induced its promulgation?

What the effects which it has produced?

And what authority the Secretary had to issue it?

The order relates solely to the receipts on the sales of the public lands, and does not affect the receipts for the customs or any other dues to the Government, and thus makes a distinction between them and all other sources of revenue. It prohibits the receivers and deposite banks from receiving, after the 15th of August last, any thing but gold and silver, and, in certain cases, the Virginia scrip, for the lands, and forbids their taking any note of any bank anywhere, or any certificate of actual deposite, even of specie, in the deposite or other banks, unless it be a certificate of deposite of specie given by the Treasurer of the United States.

It makes an exception in favor of the citizens of the State in which the land sold may happen to lie, and in favor of those who are called "actual settlers," and authorizes them, until the 15th of December, to pay in the ordinary currency—in specie or in bank notes.

Such are its plain and obvious provisions; and they are intended to be permanent, so far, at least, as the Executive has authority and power to enforce them.

The Senator from Virginia, in offering his amendment, seemed to regard the order as a temporary arrangement—as having worked its intended effects; and that it was now proper to legislate on the subject without reference to it. Other Senators have taken the same view.

I fear that they will not be able to escape a direct expression of opinion, by this suggestion. We cannot avoid seeing that it is, in its phraseology, its avowed objects, and the grounds on which it is defended here, a permanent measure, although it may have had some temporary objects. There is nothing on its face which looks like a temporary act. The favor extended to particular classes of buyers was to last only to the 15th of December. That day is passed, and now it is the universal rule—operating on all the sales of public lands—with no allusion to any time when that rule shall be changed.

The objects avowed as those which are to be attained by it also show that it is not temporary. They are "To repress frauds, speculations, and monopolies." And will not attempts at these continue to exist, to a greater or less extent, while the public lands shall continue to be sold? To strengthen the deposite banks, and prevent too great an amount of bank notes from coming into them. And will not buyers continue to buy and pay in bank notes as long as things are left to take their natural course? "To discourage the ruinous extension of bank issues"—"the general evil influence likely to result to the public interests, and, especially, the safety of the great amount of money in the Treasury and the sound condition of the currency of the country." And are these objects which may be accomplished by a five months' operation of a Treasury order? Certainly there is nothing in this detail of reasons which can induce the belief that the President and Secretary intended only a transient effect from their action.

Nor is it defended on this floor as a temporary arrangement. The Senator from Missouri [Mr. BENTON] and others do not so defend it. They attempt to show that it ought to be the settled and permanent policy of the country. And, in this respect, they concur with the President and Secretary; while the Senator from Virginia, unwilling to disapprove their act, seems to desire to correct their error, by expressing a legislative opinion in favor of a different course for the future.

The Secretary, under his seventh head, "Of the mint and the currency," (page 21,) says: The other objects of that circular "were gradually to bring back the practice, in those payments, to what was deemed to be the true spirit as well as letter of our existing laws, and to what the safety of the public money in the deposite banks, and the desirable improvement of our currency, seemed at that time to unite in rendering judicious." He regards it as a matter of currency and safety of the public money; a matter, in its very nature, of permanent regulation.

The President, in his annual message, after an examination of the deposite or distribution law, calls our attention to "the currency of the country"—a "subject intimately associated with" that law; and he treats of this order as a part of the regulation of the currency of the country; and, to show that he does not intend any repeal or alteration of it, he adds: "It remains for Congress, if they approve the policy which dictated this order, to follow it up in its various bearings." He looks to no repeal of it. "It remains for Congress." He kindly permits us to follow it up, and to do what he has left for us—not to repeal and rescind it, but to strengthen and invigorate it. And, unless he has an opinion for Congress and another for his friends—an opinion official and an opinion private—he cannot willingly see any effort, such as the amendment proposed, to evade, weaken, or destroy it; although he may, as in the case of the deposite bill, give it his "reluctant approval," when he cannot avoid it. Left to his own choice, he would most probably extend it to the customs, and to all the revenues of the country; and if no conflicting opinion shall be pronounced by Congress, I shall not be surprised if this extension take place.

Mr. President, I ask how this order has, as yet, produced all its intended effect, and why we should regard it as temporary? The reasons and objects avowed in the public documents have not been accomplished. Were there others which have not been avowed? Is it true, as has been sometimes charged, but of which I know nothing, that a prevailing motive was to favor personal friends, and to defeat, as far as practicable, the full effect of the deposite law? It has been said that there had been immense speculations in lands by those near the Executive; and that the temporary obstruction to public sales was useful, in enabling them to make profitable dispositions of what they had acquired, and extricate themselves from embarrassment. This effect may have been produced.

A much more important public object has also been charged—the reduction of the amount which was to be distributed among the States under the deposite law; and this has certainly been effected. A Senator has told us that the order prevented "myriads of paper money from flowing into the deposite banks in the West." Then, sir, it prevented "myriads of money" from being added to the amount which was to be distributed. I can readily believe that this was one of the motives which influenced the Executive in issuing that order. We all

know how strenuously that law was opposed by those who are said to court and to enjoy an acquaintance with the most intimate sentiments and feelings, both of the retiring and the approaching Executive. It was denounced in terms the force of which they did not stop to measure, and we were warned, in various modes, up to the time when the amendment was offered in the House of Representatives, that the power of the veto would be applied to it. The President declares to us that he gave it his "reluctant approval," and an official organ has announced that it would have been refused, if the veto would have prevented its passage. I leave it to his advocates to defend that political morality and independence which fails to discharge a high official duty, upon the ground that he may be found in a constitutional minority. It comports little with the boasted energy and firmness of which the nation has heard so much, and by which many have been deluded. And may I not suggest to his defenders on this floor, whether it does become the dignity and respect for the laws which appertain to the first office of the country, by such a device, to defeat the full operation of a statute which has been passed by the votes of so large a majority of the Legislature, and to which the approval of the Executive, even though reluctantly, has been affixed? It was perfectly well known that the effect of the order would be to diminish the sums which would be received by the several States; less lands would be sold, less money would come into the Treasury, a less amount would be divided.

And, sir, notwithstanding the report of the Secretary, I cannot but suspect that the failure to receive a part, at least, of the money from the Bank of the United States, while it has still further diminished the amount to be divided, may have been induced by similar views. The Executive had no desire that that money also should come into distribution.

But, be this as it may, the effect upon this bill was foreseen by the President and Secretary. Was it also desired by them? And was this a controlling motive for issuing the order? The law was passed on the 23d June, Congress adjourned on the 4th July, and on the 11th, while some of the members were yet on their way to their homes, an act is performed which is calculated to defeat, at least to weaken, the operation of the most important measure which had resulted from their joint deliberations. Is it the appropriate business of the Executive thus to counteract the decision of the Legislature, to deprive the people of the States of the large sums of money which would have been received from the sales of the public lands, and put at defiance not only the will of Congress, but of a large majority of the Union? How far the people may be disposed to bear it, without murmuring, I know not; but as a representative from one of the States which approves the law, and has been deprived of her full measure of benefit under it by this act of the Executive, it is my duty to express my disapprobation and her disapprobation; and no servility to power, no devotion to a name or a party, shall keep me from it.

Mr. President, this order may have had temporary objects, which may have been accomplished, but it had also permanent objects, which are yet to be accomplished. It may have relieved favorites, and it may have weakened an obnoxious measure, and lessened the amount which will be in the Treasury on the 1st of January, and which the States are to receive; but the Executive cannot, at this moment, repeal it. It would be an open avowal of motives which there is too much cunning and too little courage openly and on the public records to proclaim. The order must be continued, unless the power of Congress is brought to bear on its repeal. We must consider it as permanently operating upon the currency of the country and the disposition of the public lands, and give our votes accordingly on the resolution and the amendment.

In deciding upon the policy and the lawfulness of this order, the reasons assigned for it demand our consideration. I have already alluded to them, so far as to show that they are not temporary in their nature; and if they are the true reasons, the order, in its full force, is as necessary now as it was at the moment when it was issued. But some of them call for further remark.

One of them is, in substance, to repress frauds, speculations, and monopolies, in the purchase of the public lands, to preserve them for the "actual settler," at a moderate price, and insure the more rapid settlement of the territory. It is doubtful whether the more rapid settlement of the country can promote its essential and permanent interests, and whether the speculations complained of do injuriously, if at all, impede its substantial progress in population and prosperity. But, I ask, what is meant by these frauds? And who have the legitimate power to apply the remedy for them? Who is a speculator, and what authority, under our system of Government, can limit his acquisition? Can the Executive determine what number of acres makes a man a speculator, and who shall be prohibited therefore from buying? He might as well decide how much grain a citizen should raise, buy, sell, or transfer in the market, or the number of yards of broadcloth that he should manufacture or import and dispose of. If there be any authority to control such matters, it is not executive, but legislative, and the Executive wanders from his proper sphere when he attempts to interfere with them.

It is true, as the Senator from Missouri tells us, that the word "speculator" is not to be found in the constitution; and is any other description or denomination of acts to be found there? Is his favorite "actual settler" there? But, sir, there is a more important inquiry? Does the Senator mean to infer, because the speculator is not named, therefore his rights are not protected by the constitution, and the President may make any regulation in regard to him which he may please? If the argument does not mean this, I can perceive neither its force nor application. If it do mean this, it is a bold claim for the extension of executive power. It proclaims that whoever and whatever is not named in and protected by the constitution, may be dealt with, regulated, trampled upon, at executive pleasure. The Senator instructed us about the divine right of Kings; he had better turn his attention to the divine right of Presidents, who, by such a principle, may do, not what they are authorized by the constitution to do, but every thing that is not forbidden.

Another reason assigned for the order is, to check bank issues, which had been made to a ruinous extent. That there has been a large extension of bank capital and paper currency since the financial notions of the present administration have had operation, is not to be doubted. That extension was the natural result of the course adopted by those who have had control on this subject, and has been principally effected by them. While they have talked about specie, and denounced the United States Bank and paper money, they have, in several of the States, occupied themselves in greatly increasing their bank capital and paper currency. The causes and effects of this circulation have been clearly exhibited by the Senator from Massachusetts, [Mr. WEBSTER,] and I will not detain the Senate by repetitions less satisfactory than the original exposition. I beg, however, to say that, in forming my opinions, I do not rely on the calculations and estimates of the Secretary of the amount of actual currency, and especially of gold and silver; nor do I credit the estimate which he has given of the amount necessary for the convenience and interest of the country. The quantity of gold and silver manu-

factured in the nation, for articles of use and luxury, is immense. Our own mines do not furnish more than enough of gold to meet this demand for annual consumption; and much of the silver which comes from abroad shares the same fate. They are converted, not by pounds, but by hundreds of pounds; and it is doubtful whether all of both metals, taken from the mines of the world, increase, to any great extent, the specie in actual circulation among civilized nations. I feel quite sure that the actual circulation of specie here is below 25 instead of 28 millions of dollars. But if we rely on the estimate of the Secretary of the paper and specie, and place it at 148 millions, it is not much greater, in proportion to the demand, than it was in 1833 at 84 millions. The actual population and property of the country have grown in a ratio never before known in the history of nations. Its enterprise has been without parallel; its great staples alone have required 50 per cent. addition. Take an example. The cotton of about one million one hundred thousand bales, at the price in 1833, was worth about 52 millions of dollars; in 1836, the one million six hundred thousand bales, at 17 cents, are worth about 86 millions. The five or six transfers which are made of them, from the grower to the consumer, were to be met by some kind of circulation—specie, notes, or bills of exchange. And the derangement of the exchanges threw the demand with additional violence upon the paper currency. The same facts are true as to bread-stuffs, beef, pork, &c. Your bread-stuffs in 1833, at about $4 per barrel, required not more than 50 millions. In 1836, at $8 or $9, they called for about 110 millions. Your beef and pork, at $6 50 in 1833, wanted less than 80 millions; in 1836, at from $12 to $14, demanded nearly 200 millions; and all these, in the two or three transfers from the producer to the consumer, swelled enormously the circulation which was required. Pursue the calculation through all the elements which constitute the materials for an estimate, and it will be found that the currency at $6 50 for each individual in 1833, would have afforded accommodation to the business and wants of the people of the Union equal to the $10 at which the Secretary states it in 1836; and when to this we add the obstructions to exchange, it is not to be doubted that some inconvenience would have been felt. Yet it is in such a condition of our interests that the Secretary sets himself to work to shut up as much specie as he can, in about one tenth of the banks; to curtail the power of accommodation in all the rest; and we are called upon to wonder at the pressure.

But, Mr. President, it is not necessary, on this question, to settle the amount of circulation which the interests of the country require. The pretence is, that we are to have that circulation confined chiefly to gold and silver. Is it practicable? and are those who talk of it sincere and well advised? To accomplish it, you must abstract from the circulation of other countries from fifty to seventy millions of specie. You could not coin it at your mints with sufficient rapidity to keep pace with the demand. You cannot buy and retain it in the country, unless your commerce will enable you to do it. Commerce will bring, and commerce will take it away. Why do not those who are the advocates of an exclusive specie currency tell us how we may accomplish the object? Let them give us a scheme; inform us where we shall procure it; how retain it; and how the business and employments of the country can be reduced to the point which such a currency would require. Until they do this, the intelligence of the people will be apt to suspect that there is more of pretence than sincerity on this point. It is by visionary and impracticable schemes like these that the real obstacles are thrown in the way of wise and prudent regulations; and we can never hope for sound legislation until they shall be removed from the countenance and support of those who are in power.

But, Mr. President, while I dissent from the views of the Executive on these points, I do not wish to be misunderstood as the advocate of an extension of our paper currency, nor as maintaining that it is in a sound and safe condition. Our whole currency is in imminent danger. There are no salutary checks and control. Banks are created often without reference to the necessities of the country, and sometimes made the rewards of partisan and party exertions. Issues, too, have not unfrequently been regulated by the wants and wishes of favorites. The constitutional control has been thrown aside, and ignorance and empiricism are meddling with matters which they do not understand. There is danger ahead of us, and we shall be fortunate if we escape without a convulsion in the currency which will agonize the country. It is time that this subject was under wiser management. But even this will be insufficient. Admit that our circulation is too great—that there is danger of over-issues by the banks—that gold and silver ought to be our only currency—and that it is the duty of the Government to look well to all these; yet the question seems, who has the authority to direct, regulate, and control them? The interference of the Executive, without the sanction and command of Congress, is usurpation of power. His right to legislate is not to be found in the constitution.

I pass to the effects which have been produced by this Treasury order. The President believes "that the country will find in the motives which induced that order, and the happy consequences which will have ensued, much to commend, and nothing to condemn." Let us examine these consequences, award all the praise which they merit.

The President says: "It checked the career of the Western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities." The Senator from North Carolina also admits that there is a severe and grinding pressure. The Senator from Mississippi does not seem to credit it; he regards it as another panic cry. I shall not attempt to settle the controversy between them, nor waste time in proving by facts and arguments that a pressure has prevailed. The man who doubts must labor under strange ignorance of the condition of the country—an ignorance very similar to that which could assert that our exchanges are in a better state than for several years past. His opinions will not be likely to mislead. But this order was given "in anticipation of the pressure." It certainly could have anticipated it but a very few hours, for the pressure commenced at the very moment that the existence of the order was known in the cities and in the country. They were as contemporaneous as cause and effect could be. In proof of the assertion that the order checked the career of the Western banks, and gave them strength, the Senator from Missouri [Mr. BENTON] attempts to prove that it has greatly increased the specie in the banks and the accommodation to the public. He seems to think that he has quite overwhelmed all opposition, and destroyed all resistance to his conclusions, by "the logic of figures," and his "appeal to the exact sciences." It is not the first time that this logic has satisfied that Senator without convincing others. It proved very conclusively to his mind during the last session that there would be and could be no surplus to be divided among the States. The Secretary, however, has found about thirty-seven millions for this purpose, and that is far below what it ought to have been. The Senator, however, has a reason for the error of his conclusion from "the logic of figures." It is in substance this: If Congress would have made all the appropriations asked for, and made them in an early day in the session, the logic would have come out right. I do not doubt it, sir. If, in the early part of the session, we could have permitted

ourselves to be charged, both by the President and Senator, with utter disregard of our duty, and wilfully, for party purposes, permitting the country to be uncovered while the clouds of war were gathering over her, and remained silent, the long and excited debate upon the three million appropriation would have been avoided, and the time spared, and the appropriations reached at an earlier day. If we will suffer the imputations against our patriotism and fidelity to the public, from all quarters, to go unanswered and unnoticed, and simply become the registers of the thousand efforts for squandering money which has been so profusely made, time will be saved, and there will be no surplus. The Senator is correct in his defence of the accuracy of his logic, if you leave him and an extravagant administration in uninterrupted possession of the means of verifying it. The appropriations last year amounted to about thirty-four millions of dollars, and we were urged to add many millions more. This would have swept the surplus pretty effectually, and left little, if any thing, to divide. But I thought that thirty-four millions was quite enough to be expended in one year by an economical and reforming administration; and the more so as it was but eight years since that the administration, of which I was an unimportant member, was denounced and discarded from public confidence, because it had expended about thirteen millions. There is some difference between thirteen and thirty-four millions in a single year. But times, sir, have changed; a new logic is in vogue: what was guilt then is virtue now.

But, Mr. President, let us see how the Senator applies this logic of figures. He takes the deposite banks alone, reads the amount of specie, and the accommodations before the Treasury order and after it—I believe he took the months of June and November last as his guides—and finding more specie in the latter than the former period, in these banks, and more accommodations also, he not only attributes it to the order, but infers that the currency is more sound because there is more specie in the country. *Non sequiturs* do not belong to figures. The premises and the conclusion do not hold together. If there be more specie in the country, upon what principle shall we assign it to the Treasury order, in preference to the state of our foreign commerce and foreign exchanges? These may, and necessarily would, for the time, bring and keep specie here. But how the order could have had the slightest effect, it is difficult for others to see, and ought to be explained.

Again: there is manifest error in looking only to the deposite banks. The operation of the order would seem to be to bring specie into them, and take it away from the others; strengthen them, in this respect, while it weakened all the rest. To prove that they have more specie and more power to accommodate, is only to establish the charge against the order for its unequal operation, unless it be also proved that more specie has been brought by it into the country and into the other banks also, so that the whole amount of the currency has been strengthened. These deposite banks are, I think, eighty-one in number, with some branches. There are in the nation more than nine hundred banks. You do little for our paper currency, if you strengthen eighty-one to the injury of eight hundred—benefit a few to the destruction of the rest.

But I do not understand the matter as the Senator does, even as to the deposite banks themselves. In June last there were thirty-three of them. After the passage of the deposite act, they were increased to eighty-one. In June the thirty-three had a capital of $33,418,092 83. In November the eighty-one had a capital of $77,576,449 67.

To judge of their condition as to specie and accommodations, we must take their capital at the two periods, and compare the one with the other; and if the capital in November did not afford more of specie and accommodations in proportion to its amount than the lesser capital in June did in proportion to its amount, it will be difficult to persuade us that the banks have been strengthened, the currency benefited, or the public more accommodated. A few statements will show how this is. Throwing away the fractions, we may call the capital in June forty-six and a half millions, in November seventy-seven and a half millions.

In June the deposite banks had -	$10,450,415 13
In November - - -	15,520,202 42
Difference, - -	5,069,787 29

But if forty-six and a half millions gave ten and a half, then seventy-seven and a half ought to have given seventeen and a half—two millions more than they had in November. The deposite banks, in proportion to their capital, were not as strong in specie by two millions as they were in June before the order. A few of them, doubtless, had more, because the operation of the order was unequal; but while some were strengthened, according to the ideas of the Senator, others were weakened.

The same result will be found in their accommodations, consisting of loans, discounts, and exchanges.

In June they amounted to - -	$108,498,037 74
In November to - - -	163,972,830 24
The increase being -	55,474,792, 50

But if the capital of forty-six and a half millions gave about one hundred and eight and a half, the capital of seventy-seven and a half ought to have given one hundred and eighty millions of accommodation, being sixteen millions more than they did give. Why should there have been this reduction? And if it were produced by this order, have we not found one cause of the acknowleged pressure?

Their circulation has been alluded to.

In June it was - - -	$27,967,152 40
In November - - -	41,482,897 82

But in proportion to their capital, it ought, in November, to have been about forty-six and a half millions, and was therefore about five millions less than it should have been.

The Senator considers this a strong argument in their favor; but does he not perceive, that while they were curtailing their circulation and discounts, they were pressing the community severely? Nor am I satisfied that it was not their duty to the public, at least to continue, if not to enlarge, their accommodations. Their deposites had in the mean time increased nearly nineteen millions, from about fifty-seven to about seventy-six millions, almost two thirds of the capital which had been added to them, and not far from one fourth of their whole united capital. They had been placed in a condition of eminent control—they had it in their power to relieve the business of the country—their deposites were greatly increased—why did they not do it? The answer is, the Treasury order prevented. Take every species of accommodation which they afforded, and the result will make a strange exhibit. In June, loans, discounts, exchanges, and circulations, amounted to - - - $136,465,190 14

In November to - - -	205,455,728 06
Increase - -	68,990,537 92

But if the capital in June gave one hundred and thirty-six millions, that of November ought to have given two hundred and twenty-seven; twenty-two millions more than it did afford, and this with the increase of deposites. We have often been amused, if we have not been edified, by lengthy lectures (I hope the Senate will excuse the word) about the curtailments of the Bank of the United States, and most patriotic indignation was exhibited against it, for this cause. It is to be regretted that some of the denunciations could not now be directed to anoth-

er quarter—to banks disciplined into worse conduct by illegal orders of the Secretary.

But, Mr. President, while this operation was going on, and these banks withholding the aid which they ought to have given, they were acquiring relations with other banks, which threw obstacles in their way, and were calculated to make them do the same thing. I have not all the means necessary to exhibit the actual conduct of the other banks; but if they did not curtail, it was no fault of the Treasury order or of the deposite banks. A severe check was held over them. In June there was due to the deposite banks from other banks $17,867,869 49
And they held their notes for - 10,982,790 42

In all - - - - $28,850,659 91

In November, due - - - $26,662,669 70
Notes - - - - 16,412,324 57

In all - - - - $43,074,994 27

A difference of $14,224,334 36 in the hands of the deposite banks, which they might demand at a moment, and for which their debtors were obliged to prepare, by withholding their accommodations.

Nor, while these effects were produced, does it appear, so far as specie alone, the panacea of the Senator, is concerned, that the circulation of these banks was any more safe. They had in June ten and a half millions of specie, to less than twenty-eight millions of circulation. In November, fifteen and a half to forty-one and a half of circulation—very nearly the same proportion.

But, should it be objected that it is not a fair test to apply such calculations to all the deposite banks, scattered so widely, and so various in their conditions, I answer that this is a question of currency; that which affects a part, affects all, in a greater or less degree; and the merit or the demerit of the Treasury movement must always be tested by its results upon the whole, and not on a part. Could it be proved that it had benefited the Western banks, which received the proceeds of the sales of the land, while it had injured the rest of the Union, it would be a conclusive argument against it.

But let us inquire what its effects have been there, and take the banks in Indiana, Illinois, and Michigan, which will test the value of this experiment as well as any others.

These in June last had a capital of - $1,928,121 88
In November, of - - - 2,648,275 00

Increase - - - - $720,153 12

An addition of about $77,445, more than one third of its amount.

In June they had of specie - - $1,028,581 39
In November - - - 1,536,836 74

Being an increase of - - $508,255 35

Now, this increase is only about $114,000 more than they ought to have had, without the forcing process which was resorted to. It is a small sum, and at ordinary times might have been acquired in four months by a capital of two and a half millions, without alarm or distress. It was manifestly rather the means adopted than the result, which agitated the currency. It is to be regretted that we have not before been favored with the actual receipts of specie in the land offices, that we might compare them with former years, and learn two things: 1. What increase of specie there has been in the receipts over former years, in proportion to the whole amounts received on the sales. And, 2. What was the diminution in the sales created by this order. These points would furnish salutary guides in forming our judgments on this topic. By the report of the Secretary, received a few moments before I rose to address you, I perceive that the receipts of the four months, including August and November, were only about $1,800,000. Can it be true, sir, that this was the whole amount received in those four most productive months? Were the sales diminished to such an extent, and by a mere executive order? If it be so, the device to diminish the sums to be received by the States under the deposite law has been eminently successful. How far its fairness and justice will be approved by the people of the Union, remains for them to decide.

By that report it appears that there was received for the sales of public lands in these four months, $1,802,939
In August, during one half of which payments were made in bank notes as well as specie $307,456
In September - - - - 584,693
In October - - - - 691,915
In November - - - - 318,875

Thus it appears that in all our land offices $11,419 were received under the operation of the order in November more than in August, during half of which it was not in operation. Was it worth while to derange the currency and produce distress and confusion for such a result?

It is apparent, I think, from this amount, that there has not been fair dealing in relation to these payments; and whenever we shall receive an account of the sales, I do not believe it will appear that less than two millions worth of the land was sold within that period.

The deposite banks in those three States gave accommodation, by loans, discounts, exchanges, and circulation,

In June, to - - - - $7,519,037 91
In November - - - 9,212,679 78

Difference - - - - 1,693,641 87

Thus it appears that while their capital was increased $77,445 82, more than one third, their accommodation was increased $186,117 60, less than one fourth. How does the Senator propose to answer and explain this fact? Will he not see in it another cause for the pressure? At the same time their relations with other banks stood in this condition: In June they held debts and notes amounting to $3,356,149 30; in November, to $4,045,755 52; a sufficient increase to be wielded with great power. In the meanwhile, also, their deposites had increased nearly $700,000.

In the review of these statements, it seems to me that the "logic of figures" proves little that the Senator from Missouri [Mr. BENTON] attempts to establish. It shows, on the contrary, that neither the specie in the deposite banks, nor their accommodations, have increased in proportion to their capital, and, instead of benefiting the operation of the Treasury, has injured the business and facilities of the country.

But, Mr. President, this is not the worst aspect of the order. When it was issued, the community and all the banks in the Union perceived that the desire to purchase public lands would create a strong effort to obtain specie, to be used for that purpose; and that whatever could be procured would be sent in that direction, and deposited, and shut up in a few banks in the new States. Individuals who possessed it retained it, in the confident hope that its value would appreciate. The banks retained it, because they could not tell what drafts would be made upon them for it, and whether a large amount of their ordinary circulation would not be thrown back upon them; and they feared to extend, but rather felt it necessary to contract their accommodations. All classes felt that it must derange the ordinary course of business and commerce, and, as a matter of necessity, not choice, they withheld the means from the use of others.

The Senator from Connecticut [Mr. NILES] seems quite indignant that the terms "tampering with the cur-

rency" should be applied to orders and effects like these. What is it, sir, but tampering, when orders are issued without warning, without authority, affecting every dollar of money in the Union, and changing the course of business? There is an intimate, sensitive relation between the course of business and the currency. You cannot touch one part of it without affecting the rest. Diminish the specie or raise its price in New Orleans, and it is instantly felt in New York and Boston. And when the cause which touches it is the simple order of the Executive, the sensation is the more deep and appalling. They who feel it do not know, and cannot anticipate, what will come next, nor how soon it will come; distrust, fear, apprehension, guards, are the consequences. It is far less so when the change is produced by the legislative power. Its action is more open, deliberate, less changeable, less dependent on local causes and the will of one or a few. This order did change the course of business. It required specie to be carried from the creditor to the debtor portions of the country; from the seats of business and wealth, where it was wanted, and in constant action, to points where it was not wanted, and could not be used, and, under express orders, was to be shut up.

It necessarily produced serious evil to the poor, while it operated less upon the wealthy. The man in moderate circumstances could not obtain his specie to buy his small tract, but by going to a bank to procure it, adding greatly to his trouble and expense. The rich man could obtain his thousands, and make his purchases. He could turn over and over again what he had, by paying a small sum to the broker, who was near by. He could make his $500 buy a tract; when deposited, he could borrow the same $500 again, at a business transaction premium, buy another tract, and repeat the operation until he was satisfied. A better device to oppress the poor, and subserve speculation, never was made. And there is no hazard in saying that less land has been bought by the poor and the actual settler, in proportion, than under the laws as before administered. The same effect has been felt wherever the order has reached. The wealthy have suffered little. Their money has been worth to them from two to five per cent. per month. It is an excellently good specimen of the value of those pretences which have misled popular opinion, temporarily. They have all terminated, sir, in making "the rich richer and the poor poorer"—which is one of the despicable phrases which disingenuous fraud so often uses in our country.

There is no occasion for surprise at the state of the money market, and that perfectly solvent paper should sell for from 1½ to 5 per cent. per month.

But we are assured that the evils which the country has experienced resulted, not from the Treasury order and executive interference, but from the deposite act of last session. I admit, Mr. President, that it was a combination of the order and the execution of the deposite bill, with other causes, which produced it; but I deny that the slightest inconvenience ought to have resulted from the execution of the latter. It was an offensive law to the Executive, and received a reluctant approval; and it has been so treated as, if possible, to make it unpopular with the country; and, as one of its friends, I owe no thanks to the Department for the blundering and mischievous manner of its execution.

What was that law, and what did it require the Secretary to do? It provided that the surplus which should be in the Treasury on the 1st of January, 1837, should be divided among the States according to their number of electoral votes, and that one fourth of it should be paid on the 1st of January, one fourth on the 1st of April, one fourth on the 1st of July, and one fourth on the 1st of October. I was opposed to so great delay in the payment, but was overruled; but I certainly did not anticipate the mode in which it would be done. The Secretary has told us that it will amount to about thirty-seven millions. Then the law simply required the Secretary to place about nine millions of money in twenty-six States, or in places where those States would be willing to receive it, by the 1st of January. The law passed on the 23d of June, and the Secretary had six months to perform the operation. He had in the Treasury in June more than this amount, which was not needed for the immediate wants of the Government, and the revenue was constantly coming in, to supply the place of any sum the position of which might be changed. There was then no obstacle to a transfer and deposite of the shares of the States. And what amount of transfers were required? There were deposite banks in all the States, I believe, except four—New Jersey, Delaware, Illinois, and Arkansas. These deposite banks being in the States, chartered by them, and having their confidence, were the places where the States would have been willing to receive their money; and the Secretary had only to leave or place it there until it was put under the control and disposition of the State authorities. Now, of the twenty-six States, there were, as appears by the public documents, fourteen or fifteen which already had in their banks their full share, and of course no transfers were necessary as to them. All the others (except the four mentioned before) had a greater or smaller proportion of the amount, and the balance only was to be transferred. And, with respect to several of these, the Secretary knew, or ought to have known, that they would prefer to receive their money exactly where it was when the law passed, because drafts on it there were at an advance. There was not more than three and a half millions which it was necessary to move at all. And yet this is the operation which is charged with a derangement of the currency. Every dollar of it might have been made to fall in with the business of the country, and to give facilities to it. None, at least none to any amount, required actual manual transfer. The Senate knows how the Secretary has dealt with it. He has given transfer warrants to the bank which was to receive the money, and thus placed it in their power to call for it when and in what currency they pleased. The paying banks, of course, have been obliged to draw in their means, to be prepared for the payment. The result was inevitable. If, on the other hand, the Secretary had simply given notice to the paying banks that they must, by a given day, say 20th of December, place the sums required in the banks to which they were to be paid, it could have been done without difficulty or derangement. Take an example: New York had to place $100,000 in North Carolina; the bank in New York would purchase drafts on North Carolina, and by other means obtain a credit on funds there in the ordinary course of its operations. The drafts paid in the bank there would have deposited the money there at a profit, perhaps, to the paying bank, and to the benefit of the commercial and other relations between the two places. A simple notice that they would purchase drafts might have accomplished it. And, once placed in the banks of the States, the States themselves, in their use of it, would have been bound, both by inclination and interest, so to have drawn it out and disposed of it as not to injure or embarrass their own institutions and their own citizens. The same process would have been sufficient for the subsequent quarterly payments.

Why, then, should this deposite act be charged with any derangement of the currency? with any part of the pressure? If it has occasioned any, it has arisen from the mismanagement or perverseness of the Secretary. He has made this law the means of playing a game of battledoor and shuttlecock with the currency of the country, and, during the process, he has added his

Treasury order! to shut up a portion of the specie, and thus make "confusion worse confounded." So far as I can understand the subject, I cannot approve his conduct. The order appears to me to have placed the specie exactly where it was least wanted—created distrust and want of confidence—collected the revenue where it was not needed, and from whence it can only be transported with expense—and essentially deranged the exchanges. I do not stop to prove that they are deranged, nor to combat the assertions from high places that they are in as good or a better condition than for several years past. No man of ordinary capacity in the country can or does believe them, but all regard them as the offspring of ignorance or recklessness. Nor shall I resist by argument the assertion that the order "is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation." I do not believe that the assertion is credited even by the person who penned it. I know not who he was. The President, I feel assured, did not; nor, in his state of health, could he have examined it with care.

There is one circumstance connected with the pretences, or, if you please, reasons for this order, which is worthy of remark. They have been acted on by the Executive, either in direct violation of the known will of Congress, or to supply what were regarded as defects or omissions in our legislation. They embrace two subjects—the public lands and the currency—neither of them within the constitutional control of the Executive; both of them before Congress in the session which had expired seven days before the order was issued.

Our journals show that we had under consideration, in various forms, the proper disposition of the lands: our attention was invited to it by the Executive; and we had bills and speeches in abundance to guide us. A select committee reported a bill to arrest monopolies of the public lands and purchases thereof for speculation, and substitute sales to actual settlers only, in limited quantities, and at reduced prices, &c., &c., (page 436;) and it rested, I believe, without an effort for its passage. We had a bill to change the mode of sales, and it was postponed indefinitely, on motion of Mr. Walker, and every supporter of the administration voting to postpone and defeat it; and yet, as soon as we had left our seats, the Executive issued an order to legislate on these very subjects, and carry out the views of a portion of his friends, but a small minority of the Senate, and against the will of the majority.

The currency, also, was the theme of repeated motions, disquisitions, and projects. The President had pressed it upon Congress. On the 10th June, (page 420,) the Senator from Missouri [Mr. BENTON] introduced, on leave, the celebrated bill entitled a bill "to establish the currency of the constitution for the Federal Government," which proposed that the Government should refuse the notes of all banks which issued those of less than $20, after March, 1837; of $50, after March, 1838; of $100, after March, 1839; of $500, after March, 1840; of $1,000, after March, 1841; and all notes of all banks after 1842. On the 27th June, on motion of Mr. Wright, this bill was laid upon the table. The same Senator, on 22d June, (page 464,) offered a resolution requesting the President "to cause inquiries to be made of the deposite banks, and of other banks of good credit, to ascertain whether any of said banks, in consideration of being made or continued depositories of the public moneys, will agree to enter into arrangements to discontinue the use and circulation of all paper currency of less denomination than $20; and also to promote the circulation of gold, by paying all the currency issued by it in gold and silver, the proportion of each to be at present according to the best ability of the bank, and eventually one half of each, the demander to have the option of one half of either metal, and the bank the other." This resolution was laid on the table, on motion of Mr. Mangum, and never afterwards disturbed.

Why were these movements made in the Legislature? If the Executive possessed the power under the laws, why was it not exercised? Why did the Executive wake up to a knowledge of its rights and duties a few days afterwards? Was it that the delusion of the specie currency had come to a stand, and the people must still be blinded a little longer by actions, when professions had grown stale? Was it that a deposite bill was to be defeated as far as practicable in its salutary effects?

A still more decisive expression of opinion was also given by Congress in the deposite bill itself. In the 5th section of that act it was declared that no bank should be selected or continued as a deposite bank, which should, after the 4th July, 1836, issue notes of less denomination than $5; nor should the notes of any bank be received in payment to the United States, which issued notes for less than that sum. This law established, as clearly as law can, the opinion of Congress, that bank notes were to be received for dues to the Government; and that it was not wise, for the present, to confine the circulation to notes of a larger denomination than $5. And yet this order was issued within less than twenty days afterwards, forbidding any bank notes to be received for the public lands.

Where was the respect for a co-ordinate branch of the Government, the only power of regulation on this subject, when its opinion, thus expressed, was spurned? Did not the Executive know—had not these proceedings informed him—what Congress thought upon these topics? And did it comport with the courtesy due from him thus to spurn their opinion, and execute his own purposes? It is painful, sir, to contemplate such conduct; and I am not prepared to give it even a "reluctant approval"

But, Mr. President, the worst aspect of this order is its total illegality. It has nothing on which to rest in the constitution and laws of the land. I propose to examine it in that aspect; and, in doing it, hope for the pardon of the Senator from Connecticut, if I should be compelled to use the ordinary process of reasoning familiar to lawyers. He seems to think very badly of them, and rejects them as safe guides. It is to be hoped that this hostility will not lead him quite up to the famous precedent given by Shakspeare, in the times of Henry VI, when Jack Cade, the clothier, undertook "to dress the Commonwealth, and turn it, and set a new nap upon it;" and promised to "apparel all the people in one livery, that they might agree like brothers, and worship him their lord." Dick, the butcher, thereupon said to him, "The first thing we do, let's kill all the lawyers;" and Cade answered, "Nay, that I mean to do. Is not this a lamentable thing, that of the skin of an innocent lamb should be made parchment?—that parchment being scribbled o'er, should undo a man?" If the Senator will permit us to look at a legal question with legal lights, we shall reach a conclusion satisfactory to ourselves, if not to him.

[At this point of Mr. SOUTHARD's remarks the Senate adjourned. The bill for the admission of Michigan was taken up the next day, and the Treasury order not resumed until the 6th January. Before the adjournment, however, Mr. RIVES offered an amendment to his amendment, which directed the selection of the notes to be received, to be made by the banks, with the approbation of the Secretary.]

When the Senate adjourned, Mr. President, I was commencing the examination of the legal right and power of the Executive to issue the order. We must regard it as the act of the President. The Secretary,

aware, I suppose, of its questionable character, thought it proper to vary from the usual form, and state upon its face that it was issued by direction of the President, and thus interpose the President's popularity between himself and his appropriate responsibility. It is an old finesse of conscious weakness; and has become the pitiful resort of incompetency and error on all occasions, and it has generally proved sufficient. The "President authorized it," is argument and logic enough; reason has no business, after that, to intermeddle impertinently. The Secretary, doubtless, thought that the *Deus intersit*, because the *dignus vindice nodus*, had been found. But it is of little consequence to us who was the author of the act, provided we have independence enough not to be alarmed at the idea of casting "censure" upon "President Jackson." The question ought to be, not who authorized the order, but is it justified by law?

Its objects and effects are, to regulate the currency and the sales of the public lands, and they are so declared on the face of the order, in the report of the Secretary, the message of the President, and the defence on this floor. Neither of them is, in its nature, or by the principles of the constitution, under the power of the Executive. Aware of this, and unwilling boldly to deny it, its advocates do not pretend to defend the order on the broad constitutional right of the President to interfere with them, without the sanction and direction of Congress, but take refuge under the laws, and endeavor to pervert them to its defence. By these, therefore, they must stand or fall. They are mainly two—the resolution of April, 1816, and the law of the 24th April, 1820, and the practice under them.

We are to decide upon these by the same rules which regulate the construction of all other laws; and, to my mind, their meaning is free from all reasonable doubt. And, first, of the resolution of 1816. The circumstances under which it was passed, the evil to be remedied, its words, and the action of Congress and the Treasury Department, all point clearly to one construction, and one only.

The charter of the old bank expired in 1811; the nation, during the war of 1812, had suffered severely from the state of the currency; bank paper had depreciated; the paper of the Government had failed to afford a remedy; the banks, in three fourths of the Union, had refused to redeem their notes in specie; the Treasury had applied all the means under its control to induce them to resume specie payments; the dues of the Government were received in worthless paper; it was accumulating in their Treasury; and we all recollect it in the shape of a million or two of unavailable funds. The evil was, the refusal of the banks to redeem their notes in specie; the remedy was, to restore specie payments. Relief was to be found by Congress, for the evil was intolerable. Wise or unwise, constitutional or not, they adopted the expedient of chartering a bank. They made it the depository of the public money, agreed to receive its notes, and required it to pay specie on demand. The object of its creation was the restoration of specie payments, and bringing back the currency to the sound condition in which it had formerly been. The task was difficult, and Congress was disposed to afford all the aid in its power. The charter was passed on the 10th of April; and twenty days afterwards, before the adjournment of Congress, before a dollar was subscribed to the bank, the resolution was passed, and is entitled "A resolution relative to the more effectual collection of the public revenue." They may be regarded as cotemporaneous acts, both having the same object. That object was not to require all the currency to be specie, nor all the dues to the Government to be paid in specie. The man who had proposed either, at that day, would have been regarded as laboring under the delirium of madness. The evil was not that all the currency was not specie, for it never had been so in the history of the Government. It was not that the Government could not get specie only for its claims, for it never had demanded specie only. But it was that the currency had degenerated into worthless paper, and that the Government was paid in that paper; and the object was to restore the currency, and obtain paper which would be redeemed on demand; to compel the banks to resume specie payments. The evil was depreciated paper; the remedy, to take only that which was not depreciated. It was not intended to restore what is called "the currency of the constitution." It was not to have a currency altogether of gold and silver, for that was utterly impracticable. It was not to exclude specie-paying notes, but to obtain them. Under these circumstances, it would be extraordinary if the resolution bore a construction which would authorize the Secretary to refuse them altogether.

It has two parts—one prescribing the duty of the Secretary, and the other expressing the opinion of Congress as to the time within which the duty might be accomplished. The first is mandatory, the second advisory. The first requires and directs the Secretary "to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand in the said legal currency of the United States. The second part declares that nothing but the kinds of money so specified ought to be received after the 20th of February then next. It prescribes four kinds of money, either of which the Secretary was at liberty to receive; and he was to receive none other but those. But had he the power to refuse any one of these? Could he have rejected specie? Treasury notes? notes of the Bank of the United States? If not, on what principle of construction could he reject the other, when Congress had placed them on the same footing, and directed his duty in the same phraseology? Does any man believe that Congress intended that he should refuse them? Did Congress or the Secretary then so understand it? Surely not. And are we not bound now to give the construction which was then intended, and then understood, by all parties? At that day there was no dispute about it. All regarded it as directing the Secretary to receive notes payable and paid on demand in specie. The then Executive, and every Executive since, has construed and practised upon it in the same way, until the 11th July last, when new and strange light broke into the executive mansion, and from a source better calculated, I fear, to mislead than to direct.

The Senate will remark that while the resolution prescribes the kinds of money to be received, it draws a plain distinction between legal currency and the money which it would receive. The former was established by law, and was the guide between creditor and debtor, between citizen and citizen, and the Government had a right to claim it. But it had also a perfect right to waive it, and receive any thing else in its stead. And, in this resolution, it points out three kinds of money which it would receive, which were not legal currency—Treasury notes, United States Bank notes, and notes of other banks. We shall see that this distinction is important, in the progress of this examination; and it is because it has been overlooked, that confusion has crept into the arguments of some of those who defend this order. The resolution has nothing to do with establishing or declaring the legal currency; it deals only with, and prescribes rules for, the payment of debts to Government. They who rely upon it ought to prove that

Congress had no right to declare that the Government would receive any thing but legal currency. If they had that right, and have declared that they will receive something else, what authority has the Secretary to say that nothing else shall be received? To me it seems clear that, by the words and exposition of the resolution, the Executive had no authority to refuse notes of specie-paying banks.

But it has been objected that this construction, by imposing on the Secretary the necessity of receiving these notes, compels him to receive all, and, of course, to take notes of inconvenient, or, perhaps, insolvent banks, and that the practice has been to select and refuse such as he saw fit. I answer, to require him to receive notes of specie-paying banks does not compel him to receive those which are not equal to specie at the place where they are paid. It is a false construction to say that he must take such notes when they are at a discount; for they are not then specie-paying to the officer who receives them; he cannot turn them into specie without loss; they are not equivalent to specie. He takes them because he can get an equal amount of specie on demand for them. This he cannot do if the bank be at a distance; its notes are not then worth specie. Much less can he be required to take those the solvency of which is justly questioned. Congress intended to authorize the receipt of notes which were convertible into specie without loss. It would be quite as correct to argue that the Secretary, being bound to receive specie, was therefore obliged to receive that of which he doubted the weight and genuineness, and which could not be passed for the amount which its denomination indicated. He must exercise his judgment whether the notes are good, will be paid on demand, and are equal to specie where they are offered. Beyond this he has no discretion. Besides, the order which we are considering does not direct the rejection of those notes only which are suspicious, of banks at a distance, and which are at a discount, but of all notes, the very best, those of banks in the immediate neighborhood, and which could be converted into specie without delay and without cost; and to prove, if he receive all, that he may receive some which are not of full value, is an odd mode of reasoning to reach the conclusion that he may reject all.

But, if this inconvenience do exist in the rule, we must recollect that we are discussing, not its policy and expediency, but its meaning; not what the law ought to be, but what the law is, and, of course the power and duty of the Executive in regard to it. If he have not the power by law, it should be denied to him. If the law be not right, let Congress amend it.

But, Mr. President, I deny the very foundation of the argument in support of this order; the point from which it starts and at which it ends. It rests on the assumption that gold and silver are the currency of the constitution, and thence it is inferred that the resolution is to be construed in relation to it, and that the Executive is justifiable in restoring it by his orders and regulations to the country. There is no such thing as a currency of the constitution in any other sense than that which regards all matters whithin the legitimate powers of Congress as constitutional. In that sense, the courts, the departments, the customs, are the courts, departments, and customs, of the constitution. The constitution has provided no currency for the Union. The 5th item, 8th section, of the 1st article, says that "Congress shall have power to coin money, and regulate the value thereof, and of foreign coins." It may coin money, and may prescribe its value; it may coin gold, silver, copper, tin, iron, whatever it pleases, and place what value upon it it sees fit. The power is unrestricted and unlimited. It is the power to create a currency for the Union, according to the condition and necessities of the Union. The confederation had no currency; and, until Congress exercised the power, the Union had no currency. When it did exercise it, it created a currency in conformity with the constitution, but in no other sense the currency of the constitution. It might have established other metals as coins, have given them different values, have required gold and silver to pass at a higher or lower standard, and they would have been equally the currency of the constitution as they now are. Congress has changed the fineness and standard value of coins, and might have changed them still more, and been equally within its constitutional powers. The cant phrase "currency of the constitution," means nothing more nor less than the currency which Congress has established in virtue of the authority conferred upon it, and which it may alter at pleasure. It might, so far as its power is concerned, have established any other. Gold and silver are the legal currency, the current money, and are constitutional only because they have been made legal; but, without an act of Congress, they would have been no currency. There is, sir, another provision on this subject in the same article, section 10, item 1: "No State shall coin money, emit bills of credit, nor make any thing but gold and silver a tender in the payment of debts." The reasons for this provision are abundantly found in the history of the Revolution and of the confederation. The power was wisely taken from the States; the control of Congress was intended to be complete. One Senator [Mr. BUCHANAN] has said that, by some strange accident, Congress had lost all control in regard to the currency. It is so, and it is extraordinary that his memory does not direct him to that accident. But the constitution was not created in that spirit, nor with that view. With Congress the regulation of the currency is a question not of power, but of policy; with the States it is a question not of policy, but of power. Congress wisely established a currency of gold and silver, and made them a legal tender at a standard nearly corresponding with that of the nations with whom we have most commercial intercourse; and in this respect its duty was well done, and its policy will, I trust, never be changed. But it had the power to create another medium and another standard. I should not have thought these remarks necessary, if we had not incessantly, for two or three years past, heard of the currency of the constitution in bills and speeches which, however unsound, seem to have been suited to the political market. I proceed to examine the action of Congress upon this subject.

The law of the 31st of July, 1789, the fifth upon your statute book, regulating the collection of duties, directs that they shall be "received in gold and silver coin only," at the following rates: The gold of France, England, Spain, and Portugal, and all other gold of equal fineness, at 89 cents for every pennyweight; the Mexican dollar at 100 cents; a crown of France and of England at $1 11, and all other silver of equal fineness, at $1 11 per ounce. This law is referred to by the Secretary of the Treasury in his report of the 26th April, 1836, and he seems to consider it as a recognition by Congress that gold and silver alone were a legal tender, and alone ought to be received for dues to the Government. Speaking of the authority to direct what money shall be received for public lands, he says: "This Department entertains the opinion that Congress alone possesses that authority in the first instance, to be enforced by the Treasury as the chief fiscal agent of the Government, under such constructions of the laws relating to the subject as seem reasonable. An authority of this kind was accordingly exercised by that body as early as 1789, by requiring all duties on foreign imports to be 'received in gold and silver only,' by subsequently directing payment for the public lands to be made in 'cash,' and by often recognising the principle countenanced in the constitution (in

the prohibition of any State to 'make any thing but gold and silver coin a tender in payment of debts') that such a coin alone should generally be permitted to be used as a legal tender either by or to the United States." A more muddy phraseology could not well be found than this of our Secretary, and he shall be my Magnus Apollo who will construe it by any known rules. He seems, however, to assert that Congress had often, and especially by the act of 1789, recognised the principle that gold and silver alone should be used as money with which to pay to the Government. He makes a great mistake. Congress has never recognised that principle, and in that act had no reference to legal currency or legal tenders. They were deciding only what they would receive for the duties. A legal currency was not established until the 2d of April, 1792, nearly three years afterwards; and they directed the receipt of coins which never have been made a lawful tender: the crown of England, and all other gold and silver, not enumerated in our laws, giving currency to foreign coins. That act establishes only that Congress drew a distinction between legal currency and the moneys which they were willing to receive; but it does not recognise a currency, nor prescribe to its agents the rule that such coins alone as have since been made a legal tender "should generally be permitted to be used as a legal tender either by or to the United States." The first reference fails the Secretary. He must not rest upon this law to justify him in the pretence that, by the order of 11th July, he was carrying out the expressed will of Congress.

He seems to admit--and I use the word *seems* with becoming caution--he seems to admit that there was no direct action of Congress on this subject of payments to the Government, from this law of 1789, to the charter of the bank and the resolution of 1816. If that be so, there was then, up to the latter period, no declaration by Congress that the legal currency alone should be received for dues to the Government, and no direction or will of Congress to be carried out by the action of the Executive. And the practice as to the receipts was directly the reverse of the order of the 11th July. Almost immediately after the law of 1789, as soon as the collections commenced under it, Mr. Hamilton, the then Secretary of the Treasury, received into the depositories of the Treasury notes of banks which were convertible into specie. He took care that they should be notes of solvent banks—convertible—equal to specie where they were received. Our Secretary considers this as a modification of the enactments and principles of the law. What right had Mr. Hamilton to modify the law? He did no such thing. He knew that Congress intended rather to prescribe the value to be received than the medium in which the duties should be paid; that the object was to receive specie or its equivalent. His construction was known to and sanctioned by Congress, and it became the settled practice--the common law of the Government, and continued, with every legal sanction, from his day down to the resolution of 1816; and I know of no authority which could change it without the command of Congress.

During the war of 1812, and after its termination, the banks south and west of New York suspended specie payments, and yet their notes were received by the Govment. It was of necessity, not choice; but it proves the practice, and confirms the assertion that the Secretary and the advocates of this order are in error when they suppose that there was any thing which required gold and silver only to be received for dues to the Government prior to 1816. The practice itself had the force of law, and Congress alone, in whom rested the control of the currency and of the Treasury of the nation, could alter it. An interference with it by the Executive was an assumption of undelegated authority.

There is nothing in our laws or practice to impugn this view, unless it be the act of 2d April, 1792, establishing the mint, and the laws making foreign coins a lawful currency. That act, section 16, (1 Laws, 267,) declares that "all the gold and silver coins which shall have been struck at, and issued from, the said mint, shall be a lawful tender in all payments whatsoever," &c.

But this merely establishes the currency--the lawful tender; and has nothing to do with the question what the Government will receive for its dues. That it is to be decided by the practice and by other laws, and the Executive has no lawful authority to violate that practice and those laws. The laws relating to foreign coins as a legal tender commenced with the act of 9th February, 1793.

It declares, 1. That the gold coins of England, Portugal, France, and Spain, shall pass current as money, at the rates then fixed, as shall also the Spanish milled dollar and its parts, until three years after the mint shall commence to coin, after which only the Spanish milled dollar and its parts were to pass current.

This coin had been the common currency before this act, and is the only one which, through all changes and at all times, has been a lawful, recognised tender between citizen and citizen. But this act, section 3, directly recognises the right of the United States to receive other foreign gold and silver coins in payment, and directs the officers who receive them to send them to the mint to be recoined. Thus establishing the fact that, at the moment of fixing the currency, they received what was not made lawful, and therefore no argument can be drawn from the currency to justify the act of the Secretary. He must look only to those laws and resolutions which relate to the moneys which the Government has agreed to receive. Under this law all foreign coins would have ceased to be a lawful tender three years after the mint went into operation. This period was fixed by a proclamation of the President, dated 22d July, 1797, to be for silver coins, except Spanish milled dollars, on the 15th October, 1797, and for gold, on the 31st July, 1798. (See 5 Laws, appendix, 511.) But the law was suspended from time to time, although no alteration was made in the foreign coins which should be received, until the act of the 25th June, 1834, which added the dollar of Mexico, Peru, Chili, and Central America, and that restamped in Brazil, and the five-franc piece of France; which then became a legal tender. But still, other foreign coins were received by the Government, and still are received.

We have, then, the practice and the laws up to the passage of the resolution of 1816, and find nothing to justify the Secretary in his order.

The character of that resolution has been considered, and we have to inquire whether the practice since comports with the construction which I have put upon it. The first action under it was by Mr. Crawford, and his conduct is referred to as authority for this order.

I am not the assailant of Mr. Crawford, nor his apologist for any errors which he may have committed. I was not his advocate, and to this hour have been made to feel the penalty of my offence. I leave his defence to those who were his particular friends in his palmy days--some of whom have strangely changed positions since that time. I thought he sometimes stretched the law beyond the meaning of the law, but he did nothing on this subject which could be a justification for this order.

He had been compelled to receive depreciated paper, for there was nothing else in which the Government could be paid. He was a good democrat—the very model of those who now claim the name; yet he used all the power of influence and of argument to induce Congress to charter the late bank. His argument in its

favor is one of his ablest efforts. He had to aid that bank in restoring the currency of the country to a sound condition; and the resolution of 1816 was enacted to give him countenance and support. It was, of course, his duty to go as far as that resolution authorized him to go; and the point at which he stopped his successors ought to have hesitated to pass.

The Secretary, in his report of 26th April last, seems in some difficulty to give us a correct and safe history of his acts, on account of the burning of the Treasury. Fire seems to be either a warm friend or a desolating enemy to the existing administration. It will afford or avoid many an explanation, when errors and corruptions are alleged against it. It may truly be said to be an administration purified and cleansed by fire. But enough remains on this point to enable us to understand Mr. Crawford's conduct correctly.

Under that resolution, and the law chartering the bank, he was bound by his duty to receive and place in that bank the public moneys; and to receive, after the 20th February, 1817, nothing but specie, Treasury notes, notes of the Bank of the United States, or notes of specie-paying banks. To effect this end, he had to deal with banks which had refused specie for their notes, had resumed it, and subsequently stopped again.

He did not direct that notes of specie banks should be refused, but gave directions that the officers should not receive notes which would not be received by the Bank of the United States, in which he had to deposite them, and by which they were to be credited and paid, either in their own notes, or in specie. What less could he have done to perform his duty? He further requested the depositors to give notice to the receivers what notes they would so consider. This was justifiable, because Congress had created the depository, and had required the treasure to be placed in it, and had not, at the same time, required that depository to receive any money but that which it was willing to receive. The Secretary could accomplish the two great objects of his duty—to aid in compelling the banks to resume specie payments, and thereby restoring a sound currency, and to deposite the public money in the Treasury provided for it—in no other way.

But, when this example is cited by the Secretary and by Senators, do they not perceive the strong contrasts between the acts of 1817 and of 1836? When the order now under consideration was issued, there was no obligation on the Secretary to restore a currency already sound, at least not declared to be unsound by Congress, and there was no Treasury designated by Congress which had refused to receive the notes which the Secretary has rejected.

The precedent manifestly does not sustain the act.

Mr. Crawford did not forbid all specie-paying notes; he only required that those received should be equivalent to specie where they were paid; and all his regulations were governed by two considerations—

1. To receive all the kinds of money mentioned in the resolution of Congress;

2. To take the notes of banks in such way that they could be received into the Treasury; and that no money should be lost by taking notes of insolvent banks.

Mr. Crawford did receive notes of specie-paying banks. This he could not have done, if the laws and resolutions of Congress required only gold and silver. The phrase "currency of the constitution" had not then acquired its potency in Congress, nor among the people; nor had the adroit reformers of that currency undertaken to restore it "for the Federal Government."

The acts of Mr. Crawford were called in question, and he was accused and tried—and a verdict of acquittal pronounced. His defence gave him more reputation than any other production of his life; and if one who hears me were absolved from his honorary obligation to secrecy, I doubt not he could tell us when, and where, and by whose aid, that production was prepared, and how that reputation was acquired.

In that trial, which took place before a most able committee of the House of Representatives, of which Mr. Livingston was chairman, and Mr. Webster one of the members, the conduct of Mr. Crawford was investigated, and their report is given in the documents of the House of Representatives.

It appears by it that the chief complaint was, not that Mr. Crawford received the notes of the specie-paying banks, or of any banks, but that, after they were received, he deposited the money in insolvent banks, and thereby lost it; and that he made corrupt bargains to give these State banks too much for receiving and transferring the public money. But neither his accuser nor the committee ever dreamed that it was his duty, under the laws then in force, or under the resolution of 1816, to refuse notes and demand specie. That very sage notion was reserved for these times, when the *spargere voces ambiguas* is the creed of the popular politician; when gold and silver have been converted into "the currency of the constitution," and men rest their claims to popular confidence on the unworthy cry of—gold, gold, silver, silver; no United States Bank; no United States Bank; the poor against the rich; the poor against the rich!—*et id genus omne.*

No United States Bank, sir! The hour is approaching rapidly when a different language will be held; when the successors of those who have made profit, in money and honors, by these impositions on popular credulity, will, under another name, perhaps, and by more specious devices, restore the substance, if not the form, of that great controller and purifier of the currency. And I, sir, for one, shall rejoice when that hour arrives, provided the object be boldly, manfully, and frankly avowed and accomplished, without local and personal objects, and with a single eye to the permanent and lasting interests of the nation.

The precedent of 1817, sir, proves only that Mr. Crawford and the then Executive considered themselves bound to receive bank notes which were equivalent to specie where they were paid; and that he gave directions to the receivers and the depositories to take them wherever they were equivalent to specie; and it condemns the bold assumption of the order of 11th July, which refuses all notes and demands specie only, without legal sanction for the usurpation of power—a usurpation perpetrated under advice which would destroy any administration, because it inflicts injuries which an intelligent nation cannot and will not bear.

The subsequent history of the practice under this resolution has been most unskilfully told by the Secretary, in his report before referred to, and has been unadvisedly adopted by the Senator from New Hampshire. It is stated that Mr. Crawford, in eighteen hundred and twenty-three, extended the indulgence of receiving at the Western banks notes of certain banks on the seaboard. The indulgence—why, sir, that indulgence was nothing more nor less than receiving for lands and other dues in the West the notes of banks which were not only worth specie, but which were, at the places at which they were received, the very best funds which the Government could obtain. They were notes of banks the drafts on which were at a premium. It was the receipt, not of actual specie, but of that which, for the uses of the Government, was worth more than specie. This is a singular kind of indulgence, and an odd kind of argument to show that the Treasury has the power to refuse all notes of all specie-paying banks. The resolution of 1816 requires the Secretary to receive specie-paying notes; he receives those of the local banks and of banks on

which drafts are at a premium; and this is the indulgence of receiving notes instead of specie, and a proof that the Secretary of the Treasury may refuse all notes! Logical reasoning, this.

But I beg to inquire, if the law of 1820, the resolution of 1816, or any thing else, required specie only to be received, how could Mr. Crawford, in eighteen hundred and twenty-three, direct notes of Eastern banks to be received at the land offices in the West? The argument must cut both ways. It must prove that the legal currency, only, "ought generally to be permitted," and yet that the Secretary has the right to direct, by way of indulgence, the notes of any banks he selects to be received.

We are thus brought to the law of 24th April, 1820. To construe it correctly it is necessary that we should recollect the previous legislation.

The old Congress, on the 20th May, 1785, had directed certain of the public lands to be sold, and fixed the price at one dollar in specie, or loan office certificates reduced to specie, or certificates of liquidated debts of the United States. The provision was necessary, because there was then no other currency but specie and depreciated paper. The sole object was to secure a specified value or the land sold.

Several changes were made, but none affecting the question under discussion, until Congress, after the establishment of the Federal Government, on the 18th May, 1796, passed a law directing sales of certain parts of the land, and the terms; but it uses the expression, *money—purchase-money*, without designation of kind.

The act of 3d March, 1797, establishes the rates at which the evidences of public debt shall be received in payment for lands.

The law of 10th May, 1800, says that "payment may be made for the same by all purchasers, either in specie or in evidences of the public debt," &c., according to the provisions of the act of 1797. These acts are similar to that of 1789, respecting the customs, and were understood and practised on in the same way. Thus far sales had been on credit; and, notwithstanding the phraseology, the Secretary, with the knowledge and approbation of Congress, received notes of banks as equivalent to specie; the terms being regarded as fixing the amount to be received, not the kind of money.

Next came the resolution of 1816; and, whatever may have previously been the construction, it expressly authorized the receipts to be in notes of specie-paying banks. And this resolution, and the practice under it, were in full force when this act of 24th April, 1820, was passed.

Did this act repeal the resolution of 1816, and require the payments to be only in specie?

It is so suggested by the Secretary, and so argued by several Senators.

The Secretary says that directing payments to be made in "cash," countenanced the idea that such coin alone should be generally permitted to be received. And two Senators argue that cash payments can mean only payments in the lawful tender.

They all look to the 4th section, and to the word *cash*, as their guide, and overlook the 2d section, which is more important, to fix the meaning of the law. It relates to all sales of the public lands: the 4th only to resales of lands forfeited for non payment. It provides that, in all sales, no credit shall be allowed after the 1st of July of that year; "but every purchaser at public sales shall, on the day of purchase, make complete payment therefor, and purchasers at private sales shall produce to the register a receipt from the Treasurer of the United States, or from the receiver, for the amount of the purchase-money," &c. It is perfectly apparent that this section relates only to the time of payment, and not at all to the currency in which payment should be made. The lands had been sold on credit; evils had resulted from it, and Congress declared that no more credits shall be given, but complete payment be made on the day of sale. The object was to reduce the price to $1 25, and to require cash sales; and they say nothing of specie or lawful tender, or currency of the constitution. This matter they left as it was before; and this we have seen was payment in specie or notes known to Congress, long practised and justified by the resolution of 1816. If they had intended to change the mode of payment they would have so said. They did not, and the practice continued until the 11th July last uninterrupted.

Does the 4th section alter this general provision for the sales of all the public land, and prescribe a different rule for the sales of the forfeited lands? It would be extraordinary if it did so. It merely provides that these forfeited lands shall not be sold for less price than the other lands, $1 25 per acre, "nor on any other terms than that of cash payment." In other words, that they shall be sold at the same price and on the same terms as all the public lands. Cash payment, in this section, means precisely what is meant in the 2d section by the words "shall on the day of purchase make complete payment therefor." It means payment at the time of entry. No lawyer, at least no judge, would put a different construction on them; and the Executive never did, until last July, when an apology was to be hunted up to justify an interference with the currency of the country, and to cover over the purpose of defeating, as far as possible, the operation of the distribution bill.

But even if the 4th section does require specie for the forfeited lands, it does not justify the order. That relates not to forfeited lands, but to all the public lands within the Union.

The only remaining precedent or authority to which we have been referred is the instruction of Mr. Rush, in 1826. He came in in 1825; found the notes of specie-paying banks constantly received; fell desperately in love with the Bank of the United States; lauded it highly, and desired to make it the sole instrument of the Treasury in its operations; and he directs the receivers to require specie, or notes payable in specie on demand, and otherwise in good credit; and not to receive notes which would not be received as cash where they were to be deposited, or which the receivers thought it not discreet to receive. Mr. Rush did not, in this, directly violate the resolution of 1816; because that resolution could not reasonably be construed to require the receipt of notes where they could not be turned into specie at full amount. But he did place in the hands of the receivers a discretion which might be wielded to oppressive results, where there was a desire to injure particular banks. The correct action, under that resolution, would have been to receive notes of State banks, which could, on demand, or near the office, and without loss, be turned into specie—to make the demand for payment promptly, and whenever that demand was not answered to refuse at once other notes of the bank.

Upon this review of the laws, resolutions, and practice, I have not been able to discover any thing which can justify the Executive in changing the mode of payment for the public lands—demanding specie and refusing all notes of all banks. It is an assumption of legislative power, and a violation of the plain meaning of the acts of Congress.

There is another feature in this order which deserves decisive reprobation. It forbids receiving any thing but gold and silver, "provided that until the 15th December next the same indulgences heretofore extended, as to the kind of money received, may be continued, for any quantity of land not exceeding 320 acres to each purchaser, who is an actual settler or bonafide resident in the State where the sales are made."

The meaning is, that actual settlers or bonafide residents of the State may buy 320 acres, and pay for it in any money they please; all others must pay in gold and silver. I wish the Senator from New Hampshire had persuaded himself to bend his mind to this proviso. He seems to have examined the order with some labor, and to have been prepared with reasoning and references to sustain it; but he entirely overlooked this most extraordinary feature. After his argument was closed, his attention was called to it by the Senator from Ohio, but he was quite unprepared to give us a constitutional view of the difficulty which it presents. He, however, referred us to the exposition of the Senator from Mississippi; and I suppose that exposition is all that we are to hope for to relieve our consciences and satisfy our judgments.

The objection to this part of the order is, that it makes a distinction between actual settlers and others, and between the citizens of the States where the lands lie and all others, and allows advantages to the former which are denied to others. The argument in support of it, and to which we are referred, amounts to this: it is no violation of right, nor of the constitution, because the constitutional provision does not confer on the citizens of one State all the rights of citizens in every other State, such as voting, &c.; and there is a distinction recognised by law and practice in favor of actual settlers and against speculators, as in case of the pre-emption laws. The Senator will find it difficult from his premises to show the right of the Executive to create and establish distinctions between citizens, such as this order creates. He will discover that he must make great leaps in his process of reasoning, and surmount more than one sturdy *non sequitur*—quite as troublesome as that resulting from the logic of figures.

The constitution, article 4, section 2, says: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

This is one item in that article which provides for the relative rights and duties of the Federal Government towards the States and towards each other, such as

Giving faith and credit to judicial proceedings;

Delivering up fugitives from justice, and from service or labor;

The admission and rights of new States;

The security of representative forms of government to all the States;

And the power to dispose of and make rules respecting the territory and property of the United States.

The association of it with these subjects shows the spirit in which it ought to be construed, and the object which it sought. This object was entire equality between the States and the citizens of all the States, freedom of intercourse, and interchange of privileges; and the article itself is the most important in that great work to accomplish some of its avowed ends, "to form a more perfect union, establish justice, insure domestic tranquillity," &c. Its construction, by every principle of legal and philosophical reasoning, should be liberal to attain these objects.

The terms are clear, and were intended to be a substitute for that article of the confederation which relates to the same subject, and which was most confused and inexplicable. "The citizens of each State"—all the citizens of every State—"to all privileges and immunities of citizens in the several States"—to all the immunities and privileges which the citizens of those States enjoy under similar circumstances.

Now, this does not mean the right of voting, whether an inhabitant or not; nor those other rights to which the Senator from Mississippi refers. The citizens of Pennsylvania have not the right of voting in New Jersey; and why? Because they have not the residence, and other qualifications, which are necessary. There are citizens of New Jersey, also, who, at particular elections, have no right to vote, not because they are not citizens, but because they have not resided in the county or township long enough, and paid taxes. The citizens of Pennsylvania have no right to vote there, for the same reason; yet the citizens of Pennsylvania are on a perfect equality with the citizens of the State, under like circumstances. Let them reside there the time, and do other acts prescribed for her own citizens, and they will have the same right.

They can acquire it in the same time and by the same means. The same rules govern with regard to both. One enjoys the right, because he has complied with the requirements; the other does not, because he has not complied.

So with regard to all other rights; any citizen of the Union may, in any State, enjoy the same rights as the citizens of that State, by doing what they have done, and placing himself in the same circumstances.

It is the common obligation of citizens in all the States to perform certain prescribed duties, in order to entitle them to the enjoyment of the common rights. If a citizen of any other State will perform the same prescribed duties, he shall have the enjoyment of the same common rights. And this article gives to every man, everywhere, the high and sacred privilege of being a citizen on the same terms. The Senator need not be alarmed about the hosts of Xerxes or of Peteus, and lest Delaware should pour out her million of votes on this construction. The adjoining States can afford her many voters, and when they shall have done what her own citizens have, they will be able to add to her popular vote, but not till then.

So, also, the interest in even the exclusive common property of a State may be acquired by any one becoming a citizen, and it may be lost by ceasing to be a citizen. The rule is equal to all.

This principle as to States is nothing more nor less than that which is applied at every election in every State, in regard to their counties. An inhabitant of one county cannot vote in another, because he does not reside in it; and so an inhabitant of one State cannot vote in another, because he does not reside in it; but each may, at his own pleasure, and on the same terms, relieve himself from his disability.

But whether this construction of the act can be carried thus far or not, is it not distinctly true that if there be special privileges, such as voting, which cannot be equally enjoyed, the distinction arises from State laws and institutions, not from the laws and institutions of the Union? And if this be so, how does it relieve the Executive when he draws distinctions in virtue of the powers of the Union? The States may make their own internal regulations, always regarding constitutional restraints; but does it follow that any such power has been vested in the General Government? and, above all, in the Executive of that Government? Does the constitution say that he may make distinctions in favor of a State—then may he not make them against a State? And is there not thereby a power erected which may trample upon the equality of the States—bestow favors upon favorites, and wreak vengeance upon opponents? Sir, I have not so read the constitution of my country. I have not so learned the doctrine of State rights. The grounds of defence here are abhorrent to every principle contained in our institutions; and an authority is claimed, which, if sanctioned and practised, will create a despotism or sever the Union.

There are great fundamental privileges and immunities belonging, of right, to all citizens of free Governments, and which have especially belonged to all the citizens of all the States since they became free, independent, sovereign, and confederated. Equal protection by Government; enjoyment of life, liberty; the acquisition and possession of property; the benefit of *habeas corpus*: passing through and residing in any part

of the Union, for trade, agriculture, professional pursuits, or other occupations; the maintenance of actions for the defence of rights; the purchasing, holding, and disposing of property, real and personal, with many others—these constitute us one nation—these make the Union. And shall the Executive, at his will, deny us the enjoyment of any one of them all? And shall he do it, especially, in relation to the common property of all—to the public lands? Do Senators remark the extent of the power which has been assumed? The common privilege and immunity is to buy and hold land where the citizen pleases, without being burdened in the acquisition and possession more than others; more than the citizens of the State where he acquires and holds it. Can this privilege be violated by a State? Can Indiana forbid a citizen of New Jersey from buying and possessing her lands? or, if he do buy, compel him to pay for it otherwise than her own citizens may? Not while the 4th article of the constitution exists—not while the Union lasts. Can Congress do it? And does the executive power reach to that which neither the State nor Congress may touch? Yet this the Executive has done, and done more. He has forbidden the people of other States to buy the common property of the Union, within Indiana and the other States, except under a severe restriction. And if he may impose one restriction, where shall he be limited?

I have always, Mr. President, esteemed this provision, and the article of which it forms a part, as the most precious in the constitution of the country, and most necessary for its peace and prosperity. You may alter the executive powers, enlarge or limit the Judiciary, amplify or restrain the Legislature, and your Government may still retain its character and usefulness; but violate and destroy that article, and the fabric is shattered: we are no longer common and equal citizens of a common and glorious nation, made glorious by equal laws.

And, sir, how is this act of the Executive, which violates that article, defended? The defence ought to be clear, beyond cavil or debate. I understand the Senator from Missouri to assert that there has heretofore been a distinction drawn and maintained between actual settlers and speculators in the land, between residents and non-residents; and that Congress has sanctioned the distinction, by numerous pre-emption and other laws, for above forty years—from the first plan for the sale of the public lands, down to the time when propositions were made for dividing the proceeds of the lands. The first evidence to which we are referred to sustain the allegation is an extract from the report of Mr. Hamilton, Secretary of the Treasury, in 1790. It is in the following words:

"That, in the formation of a plan for the disposition of the vacant lands of the United States, there appear to be two leading objects of consideration: one, the facility of advantageous sales, according to the probable course of purchases; the other, the accommodation of individuals now inhabiting the Western country, or who may hereafter emigrate thither. The former, as an operation of finance, claims primary attention; the latter is important, as it relates to the satisfaction of the inhabitants of the Western country. It is desirable, and does not appear impracticable, to conciliate both. Purchasers may be contemplated in three classes: moneyed individuals and companies, who will buy to sell again; associations of persons who intend to make settlements themselves; single persons or families, now resident in the Western country, or who may emigrate there hereafter. The two first will be frequently blended, and will always want considerable tracts; the last will generally purchase small quantities. Hence a plan for the sale of the Western lands, while it may have a due regard to the last, should be calculated to obtain all the advantages which may be derived from the two first classes."

Now, I do not understand Mr. Hamilton as the Senator from Missouri does. He was proposing a plan for the disposition of the public lands. To effect the sales was the leading object—"as an operation of finance, it claimed primary attention." This, he thought, ought to be pursued in conformity with the convenience and interests of those who were to buy and occupy them, as an inducement to them to make purchases. His scheme, therefore, had these objects, and none other. They could be attained most effectually by suiting the scheme to the character of the several kinds of purchasers; and he gives a list of them—a mere description of classes of men: moneyed individuals and companies, who buy to sell; associations to form settlements; and single persons or families, who had or might settle there. And it is this description or list which the Senator converts into a distinction "recognised in the nature of things, and sanctioned by laws."

But does Mr. Hamilton advise that any distinction shall be made between them—that the settlers shall be permitted to buy on other and better terms than other classes? This is the point complained of in the Treasury order; and the Senator must exercise both ingenuity and imagination before he will make the discovery of it in this paper. It requires optics keen to see what is not to be seen. On the contrary, Mr. H. expressly says: "Hence a plan for the sale of the Western lands, while it may have a due regard to the last, (the settlers,) should be calculated to obtain all the advantages which may be derived from the two first classes," (the moneyed individuals, companies, and associations.) This language needs no comment. It was reserved for the Senator to see in it a preference of the settler over the speculator. But if Mr. Hamilton did advise such a distinction and preference, it was advice only—not legislation: a plan for the sales—not an execution of the plan. Congress did not make a law which sanctioned it. The act of 1797, nor any other of the acts, contains any such provision. And thus we learn the value of this evidence, which is offered to defend the establishment of such a distinction and preference by an order of the Executive, and at the executive pleasure. And it is by such perversions of documentary evidence that executive usurpations are sustained.

Again, Mr. President, the Senator insists that the same distinction between settlers and those who are not—between residents and non-residents, has been drawn by the pre-emption laws. These laws have never been favorites of mine. They have produced frauds and perjuries without number. Where they have favored one honest claim, they have covered hundreds of those which are dishonest and base. They have offered rewards for the violation of law, and the plundering of the public property. But, bad as they are, they afford no apology for this assumption of executive power. They give to the man who has settled on and improved the public lands, under the circumstances stated in the laws, a right to buy at the minimum price. In consideration of settlement and improvement, Congress agree not to sell the land settled and improved to others, but to give a title to it, provided the settler will pay the regular price for it. They will not throw that land into public competition, because he has it in possession, and by his cultivation has added to the value of it, and of the adjoining public lands. But, sir, this gives no preference to one citizen over another, under the same circumstances. It does not permit one man to buy at public sales, at one price, and forbid others, similarly situated, to buy at the same price. It does not prohibit citizens of other States from purchasing on the same terms as the citizens of the States where the lands lie. And if it did, it is a distinction drawn by Congress, and limited to those already on the lands. By what right does the Executive

extend it to other settlers and bonafide residents? Where does he get his legislative power? By what authority does he extend a law made for one object to embrace another? Has he no limit; no restraint? Is he to be permitted to wrest any and every law from its purpose? And is there to be no end of his trespasses on the legislative authority of the Union? The pre-emption laws did not apply to these sales; and he knew that Congress had refused to give those laws a further extension. During our last session the subject was before us, not only on private petitions, but on a memorial from the Legislature of the State of Indiana. (Journal, 97.) They requested us to continue the pre-emption laws for three years. A bill was reported on the subject. The Committee on the Public Lands expressed an opinion against it; and the bill was rejected by a vote of 23 to 17. Yet, the moment Congress adjourned, the Executive issued an order more unequal than any pre-emption law; and we are now to be outraged by being told that because Congress has drawn some distinctions on former occasions, the President may draw more, and that the Executive has the power, without the authority, and against the will of Congress, to regulate the sales of your public lands as he pleases. Every argument in support of this order is an apology for executive usurpation.

There is but one other suggestion of the Senator that I deem it important to notice. He says, if it be unconstitutional to discriminate between revenue payments, then Congress cannot do it; and yet Congress has done it, and that in relation to the lands themselves; that in March, 1823, an act was passed to make foreign gold coins receivable in payment of the public lands. This was a discrimination and an exception, for an act of 1819 had illegalized the circulation of foreign coins.

And who, Mr. President, has said that it was unconstitutional to discriminate between revenue payments? Congress has an undoubted right to decide what shall be received for any or for all its dues, provided they require the same payment equally from all the citizens. They may receive foreign gold for customs, as they always have done. So they may for the lands. But does it follow that the President may, of his own authority, do this? Where does he get his power?

Besides, I do not understand what the Senator means by the foreign coins being illegalized in circulation. Their circulation has never been illegal. It has, at all times, been lawful to offer and to receive them. Their circulation has been legal, but they have not at all times been a lawful and compulsory tender between citizen and citizen, but all were at liberty to pay and to receive them. The act of 1819 did not illegalize their circulation, nor that of 1823 make them a lawful tender. So far as regards their circulation between citizen and citizen, the latter act did not affect them at all. The law of 1819 was one of the chain of laws which made certain foreign coins a lawful tender for definite periods. It expired by its own limitation. It was not the will of Congress to renew it; but subsequent to its expiration they authorized those coins to be received for the public lands. This they had an undoubted right to do; and the only legitimate inference from that law is the one to which I have before called the attention of the Senate; that there is a clear distinction between the lawful currency or tender, and the money which the Government has agreed to receive for its dues—a distinction which destroys the whole argument in support of the order of the Executive.

I now repeat again my inquiry, where is the apology for the discrimination between the kinds of money, and between the citizens of different States?—and what could have been the temptation to make it? May it not be found in the anticipated operation of the order itself? The contriver of it could not fail to see that it must act most unequally, oppressively, and injuriously, on the West. The lands are the great and only source of debts to the Government there. To compel them to pay in specie, while others were paying elsewhere in the ordinary currency, was an act of gross oppression. To force them to gather up their gold and silver, and to deposite it in a few of their banks, so as to take it out of circulation, and compel all the rest of their banks to curtail their accommodations, was a refinement of despotism which would naturally excite the indignation of all who were not the humblest slaves of power. The effect was feared. The elections were approaching—the succession might be put in jeopardy. The force of the blow was to be weakened, and an exception was made in favor of those States. Michigan, Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, have a temporary suspension as to them and their citizens. They are to be permitted to buy as they have heretofore done. But how long, sir? Until the 15th December—until the elections were over. And it had its effect. The succession was saved in almost all those States; while, but for the exception, they might have shared the fate of Kentucky, Tennessee, and Ohio. Indeed, I believe that even the exception would have been insufficient, had it not been for an assurance from the very cabinet of the palace itself that the order should be revoked—an assurance deceptive and untrue, because there was no intention in the Executive to revoke it. If it be revoked it will be by the power of Congress; or, perchance, the policy of those who are preparing for the 4th March next. The amendment of the Senator from Virginia may serve, perhaps, to evade it—to escape from it—without the manliness to condemn it.

Mr. President, in this review of the laws and practice of the Government, I have been able to find no justification for this executive interference with the currency of the country. He has no constitutional right to regulate the currency; his duty is to execute the laws as Congress may make them. And I regard this order as a gross usurpation of power. The Secretary saw it; he had not the manliness to issue his order in the common form of instructions from his Department. He felt the necessity of calling in the magic of a name to sanction his oppression. He had experienced the power of that name, and its potency in silencing all complaints against trespasses on the constitution and the laws. And he thought, in this emergency, "the President of the United States has given directions" would be the best argument which he could use. And, sir, it may produce its effect. They who would have found no difficulty in condemning Levi W——, will hesitate before they disapprove the act of President Jackson. I wish the Secretary could have contrived to bestow upon it the name which its real paternity demands. The records of the Senate furnish the heraldic guides which would not have misled him. But is the act less a violation of law and duty, and are we the less bound to speak the truth in regard to it? I regard it as inferior to no infringement upon the rights of Congress, no stretch of executive authority, which we have heretofore witnessed. It is the greatest, and I hope it will be the last; and, as it is said to have been proclaimed as the "crowning glory of my administration," no future effort for glory will be essayed, and that the hour approaches when we shall have a name less potent, and a disposition less presuming, with purposes more consistent with the constitution and laws, to save us from at least unnecessary encroachments.

A few words as to the amendment, and I will cease to fatigue the Senate. The Senator from Virginia has, by his amendment, created some embarrassment with me. I am not unwilling to express the opinion that the order must be rescinded. I desire to do so. I feel it to be a

duty to do so. Yet I should prefer his amendment to doing nothing but submitting quietly to this assumption of power. But, as I prefer the original resolution, I must vote against the amendment; and then it is possible that, by defeating it, we may also defeat the resolution. But be it so.

The amendment may be regarded as having three objects:

1. To declare that the dues of the Government may be received in specie or specie-paying notes. Thus far it is a mere reiteration of the resolution of 1816, in almost precisely the same words; and it leaves the authority of the Secretary exactly where that resolution left it. Pass it, and the Secretary has the same right to refuse every thing but specie that he had in July last; and he will, of course, exercise it in the same way, for Congress will have expressed no opinion against it. It is intended as a repeal of the order. It may operate as such, but it evades, it does not directly and straightforward compel the repeal.

2. It limits the notes which are to be received to the banks which do not now issue of a less denomination than five dollars, and shall not, after 1st July, 1839, those of ten dollars, and after 1st July, 1841, of twenty dollars. I have no great repugnance to this progression, although, I think, too rapid, and that the convenience and interest of the country will not be promoted by it. It is much more slow, however, than the locomotive progress of the proposed bill of the last session "to re-establish the currency of the constitution for the Federal Government." That brought us, in 1841, to the receipt of no notes of any bank which issued notes less than one thousand dollars, and no note after 1842. I prefer, for the present, the rule given in the deposite bill. But as Congress will retain the power of repealing this provision, if the circumstances of the country required it, I should not for it alone vote against the amendment.

3. I object also to the mixed discretion of the Secretary and the banks which the amendment to the amendment produces; and I prefer, when we legislate in regard to the currency, to do it directly, and in the ordinary forms of law.

We are informed that we cannot agree to the resolution, because it will be a censure upon the Executive, but must take the amendment, which will avoid the action of the order, and not condemn the President. I should like to be informed what we can do, and what opinion we may express. We declared that we thought the act of the Executive in taking the public treasure from the legal depository was not justified by the constitution and laws, and we sinned so that our act is to be expunged. And now we may not, by legislative action, by law, repeal an order of the Executive which violates the laws, and regulates the currency and the sales of the public lands. What, I repeat, may we do? Under this doctrine the Executive has only to get ahead of Congress, do any act which his ambition or his caprice may dictate, and our mouths are closed, our legislative authority is gone, and we are powerless for any purpose but to approve the act of tyranny. It is a doctrine of servility and base subserviency. I cannot act upon it. Officially, I must do my duty; privately, I have no wish to censure or condemn. I can have no desire, sir, at this moment, to cast any censure there, which is not demanded by the obligations of public duty. When age and disease are obtaining their gloomy triumphs over the body and the intellect; when earthly honors are escaping with the rapidity of the passing hours; when sycophants and dependents are beginning to exhibit their conviction that their devotion is no longer required by their interests; and when a name which has gratified ambition and secured power is fast loosening its hold upon popular prejudice, credulity, and confidence, I should as soon think of digging open the grave, and violating there the maxim, *nil de mortuis*, as of casting unnecessary censure on the decaying idol. But, sir, when I believe that the great interests of our common country have been injured, the constitution and the laws disregarded, and I see no imperative obstacle to the expression of my opinions, I cannot refrain from the decisive vote which those interests and that constitution require at my hands. I believe that the order was unauthorized; that it has been injurious; and I cannot consent to evade the direct and proper expression of my opinions. If, in doing so, the amendment should be defeated, and the order remain unrevoked and unaltered, I must leave the responsibility with those who sustain it, and on whom that responsibility ought to rest.

[About the usual hour of adjournment, Mr. SOUTHARD gave way for a motion for adjournment by Mr. EWING.

Before the Senate adjourned, however, Mr. RIVES gave notice of his intention to modify his amendment to Mr. EWING's resolution on the subject of the Treasury order, so as to cause it to read as follows, viz:

"*Resolved*, That hereafter all sums of money accruing or becoming payable to the United States, whether for customs, public lands, taxes, debts, or otherwise, shall be collected and paid only in the legal currency of the United States, or in the notes of banks which are payable and paid on demand in the said legal currency, under the following restrictions and conditions in regard to such notes; that is, from and after the passage of this resolution, the notes of no bank which shall issue bills or notes of a less denomination that five dollars shall be received in payment of the public dues; from and after the 1st day of July, 1839, the notes of no bank which shall issue bills or notes of a less denomination than ten dollars, shall be receivable; and from and after the 1st of July, 1841, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars; provided, however, that no notes shall be taken in payment by the collectors or receivers, which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash."

The amendment, thus amended, was ordered to be printed, and then the Senate, on motion of Mr. CLAY, adjourned over to Monday next.]

MONDAY, JANUARY 2.

Mr. KING, of Alabama, presented the credentials of the Hon. JOHN MCKINLEY, elected by the Legislature of the State of Alabama a Senator from that State, to serve for six years from the 4th of March next.

Mr. PRESTON appeared in his seat to-day.

LAND BILL.

Mr. WALKER, from the committee to whom it was referred, reported Mr. CLAY's land bill, with an amendment, striking out the whole bill save the enacting clause, and substituting another which restricts the sales of the public lands to actual settlers, and to them in small quantities, accompanied with many guards against its being evaded by speculators.

ADMISSION OF MICHIGAN.

Mr. GRUNDY moved that the previous orders of the day be postponed, for the purpose of considering the bill to admit the State of Michigan into the Union.

Mr. CALHOUN was opposed to the motion; the documents accompanying the bill had but this morning been laid upon the tables, and no time had been allowed for even reading them over.

Mr. GRUNDY insisted on his motion. Of one point he was fully satisfied—that Michigan had a right to be

received into the Union; on this, he presumed, there would be but little difference of opinion, the chief difficulty having respect to the mode in which it was to be done. There seemed more difference of opinion, and he presumed there would be more debate, touching the preamble than concerning the bill itself; but he could not consent to postpone the subject. Congress were daily passing laws the effect of which pressed immediately upon the people of Michigan, and concerning which they were entitled to have a voice and a vote upon this floor, and, therefore, the bill for their admission ought to receive the immediate action of the Senate. As to the documents, they were not numerous. The gentleman from South Carolina might readily run his eye over them, and he would perceive that the facts of the case were easily understood. Indeed, there was but one of any consequence, respecting which there was any controversy. When the Senate adjourned on Thursday, many Senators had been prepared and were desirous to speak, although the documents were not then printed. It was the great principles involved in the case which would form the subjects of discussion, and they could as well be discussed now. He thought the Senate had better proceed. One fact in the case was very certain; there had been more voters for the members to the last convention than for the first. How many more was a matter of little comparative consequence. The great question for the Senate to consider was this: what is the will of Michigan on the subject of entering the Union? If this could be decided, it was of less consequence whether the bill should or should not expressly state that the last convention, and the assent by it given, formed the ground of the admission of the State.

Mr. CALHOUN here inquired whether the chairman of the committee was to be understood as being now ready to abandon the preamble. If the Judiciary Committee were agreed to do this, he thought all difficulty would be at an end.

Mr. GRUNDY replied, that, as chairman of the Judiciary Committee, he had no authority to reply to the inquiry; but, as an individual, he considered the preamble as of little consequence, and he should vote for the bill whether it were in or out. Michigan ought undoubtedly to be admitted, and all the consequences would result, whether the preamble were retained or not. He had received no authority from the committee to consent that it should be stricken out. For himself, he was settled in the belief that Congress possessed full power to prescribe the boundaries of a Territory, and that when that Territory passed into a State the right remained still the same. Congress had already established the boundary of Ohio, and that settled the question. He never had perceived the necessity of inserting in the admission bill the section which made the assent of Michigan to the boundaries fixed for her by Congress a prerequisite to her admission, because the disputed boundary line was fixed by another bill; and whether the preamble to this bill should be retained or not, Michigan could not pass that line, so that the preamble was really of very little consequence.

Mr. CALHOUN said that, in inquiring of the honorable chairman whether he intended to abandon the preamble of the bill, his question had had respect not to any pledge respecting boundaries; but to the recognition of the second convention and of its doings. He wanted to know whether the chairman was ready to abandon that principle. He had examined the subject a good deal, and his own mind was fully made up that Michigan could not be admitted on the ground of that second convention; but the Senate might set aside the whole of what had been done, and receive Michigan as she stood at the commencement of the last session.

Mr. GRUNDY observed that, if the gentleman's mind was fully made up, then there could be no necessity of postponing the subject. The gentleman has fully satisfied himself, and now (said Mr. G.) let us see if he can satisfy us. His argument, it seems, has been fully matured, and we are now ready to listen to it. Though I consider that there is no virtue in the preamble, and that the effect of the bill will be the same whether it is stricken out or retained, yet I am not ready to say that I shall vote to strike it out. I am ready to hear what can be said both for and against it.

The question was now put on the motion of Mr. GRUNDY to postpone the previous orders, and carried, twenty-two to sixteen. So the orders were postponed, and the Senate proceeded to consider the bill; which having been again read at the Clerk's table, as follows:

A bill to admit the State of Michigan into the Union upon an equal footing with the original States.

Whereas, in pursuance of the act of Congress of June the fifteenth, eighteen hundred and thirty-six, entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their assent to the boundaries of the said State of Michigan, as described, declared, and established, in and by the said act, did, on the fifteenth of December, eighteen hundred and thirty-six, assent to the provisions of said act: therefore,

Be it enacted, &c., That the State of Michigan shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury, in carrying into effect the thirteenth and fourteenth sections of the act of the twenty-third of June, eighteen hundred and thirty-six, entitled "An act to regulate the deposites of the public money," shall consider the State of Michigan as being one of the United States.

Mr. MORRIS moved to recommit the bill to the Committee on the Judiciary, with instructions to strike out the preamble.

Mr. CALHOUN then rose and addressed the Senate as follows:

I have bestowed on this subject all the attention that was in my power, and, although actuated by a most anxious desire for the admission of Michigan into the Union, I find it impossible to give my assent to this bill. I am satisfied the Judiciary Committee has not bestowed upon the subject all that attention which its magnitude requires; and I can explain it on no other supposition why they should place the admission on the grounds they have. One of the committee, the Senator from Ohio on my left, [Mr. MORRIS,] has pronounced the grounds as dangerous and revolutionary. He might have gone further, and with truth pronounced them utterly repugnant to the principles of the constitution.

I have not ventured this assertion, as strong as it is, without due reflection, and weighing the full force of the terms I have used; and do not fear, with an impartial hearing, to establish its truth beyond the power of controversy.

To understand fully the objection to this bill, it is necessary that we should have a correct conception of the facts. They are few, and may be briefly told.

Some time previous to the last session of Congress, the Territory of Michigan, through its Legislature, authorized the people to meet in convention, for the purpose of forming a State Government. They met accordingly, and agreed upon a constitution, which they

forthwith transmitted to Congress. It was fully discussed in this chamber, and, objectionable as the instrument was, an act was finally passed, which accepted the constitution, and declared Michigan to be a State, and admitted into the Union, on the single condition, that she should, by a convention of the people, assent to the boundaries prescribed by the act. Soon after our adjournment the Legislature of the State of Michigan (for she had been raised by our assent to the dignity of a State) called a convention of the people of the State, in conformity to the act, which met at the time appointed, at Ann Arbor. After full discussion, the convention withheld its assent, and formally transmitted the result to the President of the United States. This is the first part of the story. I will now give the sequel. Since then, during the last month, a self-constituted assembly met, professedly as a convention of the people of the State, but without the authority of the State. This unauthorized and lawless assemblage assume the high function of giving the assent of the State of Michigan to the condition of admission, as prescribed in the act of Congress. They communicated their assent to the Executive of the United States, and he to the Senate. The Senate referred his message to the Committee on the Judiciary, and that committee, on its own authority, reported this present bill for the admission of the State.

Such are the facts out of which grows the important question, had this self-constituted assembly the authority to assent for the State? Had they the authority to do what is implied in giving assent to the condition of admission? That assent introduces the State into the Union, and pledges in the most solemn manner to the constitutional compact which binds these States in one confederated body; imposes on her all its obligations, and confers on her all its benefits. Had this irregular, self-constituted assemblage the authority to perform these high and solemn acts of sovereignty in the name of the State of Michigan? She could only come in as a State, and none could act or speak for her without her express authority; and to assume the authority without her sanction is nothing short of treason against the State.

Again: the assent to the conditions prescribed by Congress implies an authority in those who gave it to supersede in part the constitution of the State of Michigan; for her constitution fixes the boundaries of the State as part of that instrument which the condition of admission entirely alters, and to that extent the assent would supersede the constitution; and thus the question is presented, whether this self-constituted assembly, styling itself a convention, had the authority to do an act which necessarily implies the right to supersede in part the constitution.

But further: The State of Michigan, through its Legislature, authorized a convention of the people, in order to determine whether the condition of admission should be assented to or not. The convention met; and, after mature deliberation, it dissented to the condition of admission; and thus again the question is presented, whether this self-called, self-constituted assemblage, this caucus--for it is entitled to no higher name—had the authority to annul the dissent of the State, solemnly given by a convention of the people, regularly convoked under the express authority of the constituted authorities of the State?

If all or any of these questions be answered in the negative—if the self-created assemblage of December had no authority to speak in the name of the State of Michigan—if none to supersede any portion of her constitution—if none to annul her dissent to the condition of admission regularly given by a convention of the people of the State, convoked by the authority of the State, to introduce her on its authority would be not only revolutionary and dangerous, but utterly repugnant to the principles of our constitution. The question then submitted to the Senate is, had that assemblage the authority to perform these high and solemn acts?

The chairman of the Committee on the Judiciary holds that this self-constituted assemblage had the authority; and what is his reason? Why, truly, because a greater number of votes were given for those who constituted that assemblage than for those who constituted the convention of the people of the State, convened under its constituted authorities. This argument resolves itself into two questions—the first of fact, and the second of principle. I shall not discuss the first. It is not necessary to do so. But if it were, it would be easy to show that never was so important a fact so loosely testified. There is not one particle of official evidence before us. We had nothing but the private letters of individuals, who do not know even the numbers that voted on either occasion; they know nothing of the qualifications of voters, nor how their votes were received, nor by whom counted. Now, none knows better than the honorable chairman himself, that such testimony as is submitted to us to establish a fact of this moment, would not be received in the lowest magistrate's court in the land. But I waive this. I come to the question of the principle involved; and what is it? The argument is, that a greater number of persons voted for the last convention than for the first, and therefore the acts of the last, of right, abrogated those of the first; in other words, that mere numbers, without regard to the forms of law or the principles of the constitution, give authority. The authority of numbers, according to this argument, sets aside the authority of law and the constitution. Need I show that such a principle goes to the entire overthrow of our constitutional Government, and would subvert all social order? It is the identical principle which prompted the late revolutionary and anarchical movement in Maryland, and which has done more to shake confidence in our system of government than any event since the adoption of our constitution, but which happily has been frowned down by the patriotism and intelligence of the people of that State.

What was the ground of this insurrectionary measure, but that the Government of Maryland did not represent the voice of the numercial majority of the people of Maryland, and that the authority of law and constitution was nothing against that of numbers. Here we find, on this floor, and from the head of the Judiciary Committee, the same principle revived, and, if possible, in a worse form; for, in Maryland, the anarchists assumed that they were sustained by the numerical majority of the people of the State in their revolutionary movements; but the utmost the chairman can pretend to have is a mere plurality. The largest number of votes claimed for the self-created assemblage is 8,000; and no man will undertake to say that this constitutes any thing like a majority of the voters of Michigan; and he claims the high authority which he does for it, not because it is a majority of the people of Michigan, but because it is a greater number than voted for the authorized convention of the people that refused to agree to the condition of admission. It may be shown by his own witness, that a majority of the voters of Michigan greatly exceed 8,000. Mr. Williams, the president of the self-created assemblage, stated that the population of that State amounted to nearly 200,000 persons. If so, there cannot be less than from 25,000 to 30,000 voters, considering how nearly universal the right of suffrage is under its constitution; and it thus appears that this irregular, self-constituted meeting did not represent the vote of one third of the State; and yet, on a mere principle of plurality, we are to supersede the constitution of Michigan, and annul the act of a convention of the people regularly convened under the authority of the Government of the State.

But, says the Senator from Pennsylvania, [Mr. BUCHANAN,] this assembly was not self-constituted. It met under the authority of an act of Congress; and that act had no reference to the State, but only to the people; and that the assemblage in December was just such a meeting as that act contemplated. It is not my intention to discuss the question whether the honorable Senator has given the true interpretation of the act, but, if it were, I could very easily show his interpretation to be erroneous; for, if such had been the intention of Congress, the act surely would have specified the time when the convention was to be held, who were to be the managers, who the voters, and would not have left it to individuals who might choose to assume the authority to determine all these important points. I might also readily show that the word "convention" of the people, as used in law or the constitution, always means a meeting of the people regularly convened by the constituted authority of the State, in their high sovereign capacity, and that it never means such an assemblage as the one in question. But I waive this; I take higher ground. If the act be, indeed, such as the Senator says it is, then I maintain that it is utterly opposed to the fundamental principles of our federal Union. Congress has no right whatever to call a convention in a State. It can call but one convention, and that is a convention of the people of the United States to amend the federal constitution; nor can it call that, except authorized by two thirds of the States.

Ours is a federal republic--a union of States. Michigan is a State—a State in the course of admission—and differing only from the other States in her federal relations. She is declared to be a State in the most solemn manner by your own act. She can come into the Union only as a State, and by her voluntary assent, given by the people of the State in convention, called by the constituted authority of the State. To admit the State of Michigan, on the authority of a self-created meeting, or one called by the direct authority of Congress, passing by the authorities of the State, would be the most monstrous proceeding under our constitution that can be conceived; the most repugnant to its principles, and dangerous in its consequences. It would establish a direct relation between the individual citizens of a State and the General Government, in utter subversion of the federal character of our system. The relation of the citizens to this Government is through the States exclusively. They are subject to its authority and laws only because the State has assented they should be. If she dissents, their assent is nothing; and, on the other hand, if she assents, their dissent is nothing. It is through the State, then, and through the State alone, that the United States Government can have any connexion with the people of a State; and does not, then, the Senator from Pennsylvania see, that if Congress can authorize a convention of the people in the State of Michigan, without the authority of the State, it matters not what is the object, it may in like manner authorize conventions in any other State, for whatever purpose it may think proper?

Michigan is as much a sovereign State as any other; differing only, as I have said, as to her federal relations. If we give our sanction to the assemblage of December, on the principle laid down by the Senator from Pennsylvania, then we establish the doctrine that Congress has power to call at pleasure conventions within the States. Is there a Senator on this floor who will assent to such a doctrine? Is there one, especially, who represents the smaller States of this Union, or the weaker section? Admit the power, and every vestige of State rights would be destroyed. Our system would be subverted, and, instead of a confederacy of free and sovereign States, we would have all power concentrated here, and this would become the most odious despotism. He, indeed, must be blind, who does not see that such a power would give the Federal Government a complete control of all the States. I call upon Senators now to arrest a doctrine so dangerous. Let it be remembered that, under our system, bad precedents live forever; good ones only perish. We may not feel all the evil consequences at once, but this precedent, once set, will surely be received, and will become the instrument of infinite evil.

It will be asked, what shall be done? Will you refuse to admit Michigan into the Union? I answer, no; I desire to admit her; and if the Senators from Indiana and Ohio will agree, I am ready now to admit her as she stood at the beginning of last session, without giving sanction to the unauthorized assemblage of December.

But if that does not meet their wishes, there is still another by which she may be admitted. We are told that two thirds of the Legislature and people of Michigan are in favor of accepting the conditions of the act of last session. If that be the fact, then all that is necessary is, that the Legislature should call another convention. All difficulty will thus be removed, and there will be still abundant time for her admission at this session. And shall we, for the sake of gaining a few months, give our assent to a bill fraught with principles so monstrous as this?

We have been told, that unless she is admitted immediately, it will be too late for her to receive her proportion of the surplus revenue under the deposite bill. I trust that on so great a question a difficulty like this will have no weight. Give her at once her full share. I am ready to do so at once, without waiting her admission. I was mortified to hear on so grave a question such motives assigned for her admission, contrary to the law and constitution. Such considerations ought not to be presented when we are settling great constitutional principles. I trust that we shall pass by all such frivolous motives on this occasion, and take ground on the great and fundamental principle that an informal, irregular, self-constituted assembly, a mere caucus, has no authority to speak for a sovereign State in any case whatever; to supersede its constitution, or to reverse its dissent deliberately given by a convention of the people of the State, regularly convened under its constituted authority.

Mr. GRUNDY confessed that he could not see any thing in the whole proceedings calculated to excite alarm. The Senator [Mr. CALHOUN] had told the Senate that a proceeding in Maryland had excited more apprehension in regard to our institutions than any thing that had occurred since the establishment of our Government. Now, that was the gentleman's opinion; but he (Mr. G.) had seen the time when there was felt more solicitude with respect to the stability of our Union than what had recently happened in Maryland, or in the proceedings which had been adopted in Michigan. In order to determine the question before the Senate, it might be as well to take a short review of the facts and circumstances connected with it.

By the ordinance of 1787 it was provided that this Territory, and all portions of the territory ceded by the State of Virginia northwest of the Ohio, should be admitted as a State, not by conventions called for the purpose of ratifying a proposal made by Congress, but upon the fair condition that when their population should have amounted to a certain number. Michigan, at the time she first appied to be admitted into the Union, possessed a population of one third more than was required by the ordinance of 1787. But he should state that, before asking for admission, as she had a right to do, she called a convention, and framed a constitution. The General Government had at that time a right (without prescribing the terms to be found in the act of the 2d March, 1836) to receive her into the Union. But what did Congress do? Did they comply with her request, or with

the terms of the ordinance? No. Congress prescribed different provisions from any to be found in the ordinance. Now, according to the view he took of the subject, this sovereign and independent State, having the same right to be represented on that floor as South Carolina or Tennessee, has been for a long time kept knocking at the doors of Congress, and still they were shut against them. He would, having said this much, say nothing further on this part of the subject.

At the last session, and for some sessions previous to that, a very serious controversy had arisen between the State of Ohio and the Territory of Michigan. What, he asked, did Congress do, in its great desire to see tranquillity and harmony restored between them? It passed the act of 1836. And yet the Senator from Ohio [Mr. EWING] now wanted to see no such provision as that contained in the act of 1836, and which he [Mr. GRUNDY] believed to have been placed there by the committee in the proper discharge of their duty, and which he thought commendable in them.

[Mr. EWING explained. I contended for the third section. I thought it of no importance then, nor do I now.]

Mr. GRUNDY resumed. He was speaking of the Senator's exertions in regard to another bill, or other bills, which were introduced to fix the northern boundary of the State of Ohio; and before that was accomplished Senators insisted that Michigan could not be admitted into the Union. Well, what was the objection now to her admission? None that he could see. But when the Senate came to pass this act of admission, they put in this section:

"That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required," &c.

Now, that was the provision to which this preamble has a reference. Did that section say that the Legislative Assembly of Michigan should call a convention to decide on the subject? Not a word did it contain to that effect. Did the constitution of Michigan authorize the calling of a convention on the part of the Legislature? Not a word did the constitution contain on the subject? But the Legislature did call a convention, and they refused to assent to the conditions contained in the act of Congress.

Now, to judge that Congress did not intend putting a legal construction on the section, that the intervention of the Legislature should be necessary, let him suppose that the Legislature should refuse to act, and consequently call no convention, and the people of Michigan had risen up *una voce*, and given their assent to the meeting in convention, would gentlemen have said "the convention must be called by the Legislature?" Now, this was the consent of the people of Michigan—of the population entitled to vote, residing there. And shall the Legislature of that State have the power to refuse or grant that which the people may demand on so important a subject as this? It seemed to him it ought not to be required; and, therefore, the conclusion he drew from the question was, that the people have a right to convoke their assemblies, the delegates from which have a right to meet in convention, and there, if they deem proper, ratify the conditions prescribed by Congress. If he were right in that conclusion, then the preamble was correct; and if wrong, it ought to be struck out.

He felt no concern in regard to this branch of the subject at all. He was free to admit that, without the preamble, he was ready to vote for the bill. But for the third section of the act of 1836, let him tell the Senate, Michigan would have been represented here, and in the other House, long ago. Well, now the people have been called upon in their primary capacity, and have given their assent to the conditions of Congress, why should the Senate cause further delay in admitting her? The Senator from South Carolina had said it would not take long to have another convention. He (Mr. G.) admitted it; but every moment did her injury. Senators were, by delay, violating a greater principle than that of which the gentleman had spoken. It was a greater infraction of principle than any known to free government.

He admitted, with the Senator from South Carolina, that the testimony establishing the fact of the assent of the people of Michigan was of great importance, and in this case not according to the strict rules of legality; yet the testimony was of such a character that Legislatures would not refuse to act upon it, although courts of justice would reject it, because not duly accredited by the oaths of witnesses. But did not Senators do daily many acts upon testimony not on oath, but for which the statements of men of high standing, honor, and honesty, guarantied their truth?

What, he asked, was the amount of the testimony produced? Why, that between five and six thousand votes were given at the election of members for the convention in September last, and that from eight to nine thousand were given for the delegates who formed the convention in December. What was the object in calling upon the people of Michigan? It was to know whether they were willing to come into the Union on the terms prescribed by the act of the 2d of March, 1836. They have answered, and given their assent. In one county there was given at the first election for the delegates who were elected, 180 votes of a majority. These delegates constituted the majority in the first convention; and by their votes the assent of Michigan was refused. At the first election, about 1,700 votes were cast, including both parties. At the last election, 1,900 votes were given in favor of the assenting party alone. The whole thing was changed, and must have been changed by the revolution of opinion.

Without going further into the subject, he wanted the Senator from South Carolina to inform the Senate how he would do justice to the people of Michigan; and, further, how the passage of the bill was to be obtained in any form. Would he send the people back again to a convention? The delay was unnecessary, and objections would be made of a similar character. Why should the Senator not vote for the bill, the preamble being struck out. What difficulty was there in it? For his (Mr. G's) part, he could not see any. He contended that there was nothing of a political character in this matter, either on one side or the other; therefore, it was fairly on principle that a difference of opinion could be said to exist. In answer to the inquiry of the Senator from South Carolina, "Can Congress call a convention in a State?" he answered, "No!" nor did it in this instance; neither does the preamble or bill give such a power, nor imply it. He would conclude his remarks by merely declaring that, whether the preamble should be stricken from the bill or not, he would vote for it.

Mr. MORRIS, on his first motion to strike out the preamble to the bill providing for the admission of Michigan into the Union, said: The gentleman from South Carolina had correctly understood his object, which was to bring the principle contained in the preamble to the bill in a direct form before the Senate, for its decision. Although he entertained for the talents and ability of the Senator from Tennessee the highest respect, yet on this subject he had entirely different views from those expressed by that gentleman; still he would say that, on this question, particularly on the doc-

trine contained in the preamble, the gentleman was unquestionably in error. He, however, agreed with the Senator that Michigan ought to be admitted into the Union; his mind had undergone no change on this point, for he was of the same opinion at the last session of Congress; he was opposed to the principle contained in the third section of the act for her admission at the time of its passage, though he said nothing on the floor of the Senate on the subject. He at that time considered this third section not only as unnecessary as it respected the rights of Ohio, but as unconstitutional and dangerous, and as requiring of the people of Michigan an act nugatory in itself, and humiliating in its consequences. He was anxious then, he was anxious now, that Michigan should be admitted without having any restriction or condition whatever imposed on her. He thought then, as he found the fact now, that the people of Michigan would view this provision, requiring their assent to the law of Congress, as an act of supererogation, and one which the authority of the constitution did not warrant, and did not reach; and he had found both conventions which had lately been held in Michigan concur on this head, for both had denied the power of Congress to require the assent which had been required in the third section of the act for their admission; nor did they submit or agree to give it as a matter of right, but as matter of obedience only, and to prove to the country their love and attachment to the Union. Whenever Michigan shall be admitted, it ought to be on that high and elevated ground on which she desires to stand: a repeal of the third section of the act of last session. On this ground, Mr. M. said, he wished most ardently to place her citizens; and the passage of the bill without the preamble would accomplish that object; for he believed that it was a well-settled principle, that, if the provisions of an act passed by the Legislature be repugnant to the provisions of a former act, the former act is repealed without any express words being used for that purpose. This, then, was his first, though most inconsiderable, reason, for wishing to strike out the preamble; for, if his doctrine was true, as he verily believed it was, the passage of the act itself, without the lumber and encumbrance of the preamble, would fairly and honorably admit the State of Michigan at once. He had understood the Senator from South Carolina [Mr. CALHOUN] to say that, if both the Senators from Ohio were satisfied as to the northern boundary line of that State, he would have no objection to give his assent to the bill, provided the preamble was stricken out, after this declaration. If that were done, as he (Mr. M.) hoped it would be, he had but little doubt of the unanimous vote of the Senate in favor of the admission; he could not possibly see any quarter from which objections would be made to it. Gentlemen had argued as if there was a party here who wished to keep Michigan out of the Union; he was not one of those; and whatever gentlemen might say in argument, he did not suppose a single member harbored such a wish, but all were anxious for her admission the first moment it could be done without a violation of constitutional duty, of principle, or of law. Although it has been attempted to be impressed upon the Senate that the controversy which had existed between Ohio and Michigan, with regard to boundary, was one reason why the delegation from that State were opposed to the bill, he begged leave to undeceive gentlemen on this point, by assuring them that was not the case; the course which Ohio had marked out for herself in that controversy had proved itself to be the correct one. Congress, by their act of the last session, had given consent to the constitutional boundary of that State, and it had now become satisfactory as well as obligatory on all parties; and thus the encumbrance which for so many years had been thrown over the title of Ohio by the act of Congress of 1805, establishing the Territory of Michigan, had been withdrawn; and the moment this was done, the jurisdiction of Ohio over the disputed territory was complete. It is, then, by virtue of the constitution of the State that Ohio has taken jurisdiction over that portion of country; we cannot for a moment admit the idea that Congress has given us any power to do so. Congress has only recognised the validity of our claim, and removed the difficulty the act of 1805 had created. He, therefore, as one of the Senators from Ohio, was perfectly satisfied that the State of Michigan should be admitted without any reference to the Ohio boundary whatever. On this question doubts no longer remain, as it respects Ohio; and he felt strongly disposed to remove from the people of Michigan the now unnecessary and humiliating condition which had been imposed on them, which condition, he thought, in point of sound policy, was never required, nor did he believe that Congress rightfully possessed the power to impose it.

But, sir, (said Mr. M.,) the view which I have so far taken on this subject is a very important one, indeed, when compared with the broad and dangerous principle contained in the preamble before us. He had for many years occupied some humble station in public life; had been somewhat acquainted with the legislation of the country; that branch, more than any other, had occupied his attention; and he could say, in the most perfect sincerity, and with a clear conscience, that he never had heard, nor had he ever expected to hear, doctrines such as were recognised in the preamble to the bill, and such as had been openly and clearly avowed in the Senate on the present occasion, and in support of the preamble now under discussion. The facts, as stated by the Senator from South Carolina, [Mr. CALHOUN,] with regard to the proceedings in Michigan, have often been repeated on this floor; they are well known, and need not be again detailed. Congress has recognised, even by the act of the 15th June, 1836, Michigan as a State; in the third section of that act she is no less than four times spoken of as a State. It is the State of Michigan, and not the people of the country, as abstract from the sovereignty of the State, that can rightfully respond to the law of Congress; and it is only the voice of the people of the State, collected and expressed as a State, that ought to be received as creating any obligation on the part of Congress, or indeed any obligation upon the State herself.

But, sir, what are we to understand by this word "State?" Do we mean an organized, or do we mean an unorganized, community? Do we mean a country governed by known and established laws, or do we mean one where the law shall never be known but when expressed by the public voice, through the medium of county conventions, or by an assemblage of the people at one particular place? If by the word "State," or the expression, "people of the State," we mean, as I contend is the only correct meaning, an organized community, a people who have associated together and provided, for the safety and security of all, written constitutions and laws, and also provided for the exercise of its sovereignty through the instrumentality of constituted tribunals, or a Government of any other known and established character, if this be the case, then he contended that a State had but one mode, and one medium, through which it could express its opinions or exercise its power; and that, in pursuance of its own constitution and laws, a State can be known or recognised under no other character; and, to use a figurative expression, it can neither think, speak, nor act, in any other way. Well, sir, (said Mr. M.,) what are the few facts to which this doctrine can be applied in the present case? The sovereign, but it would probably be more appropriate to say the physical or numerical, power of the people of

Michigan, exercised in their primary assemblies, without the authority of any law of the State, and not only without the sanction of any constitutional provision, but in direct contravention of constitution and law, and by mere numerical strength, evidenced by a plurality of votes, have understood her to give the assent of the State to an act of Congress, which is to remain obligatory upon the State in all time to come, and which the regular constituted authorities of the State have no power to control, and which the people themselves, according to the provisions of their own constitution, can never alter, abridge, or amend; and it is the assent thus given that we are now so emphatically called upon to receive as the constitutional and legitimate will of the State. Sir, (said, Mr. M.,) I cannot consent thus to humble any one of the sovereign States of this Union. Let it be constantly borne in mind, that there have been two conventions assembled in Michigan, for the purpose of considering, or assenting to, the act of Congress. The convention which first met was in pursuance of a law of the State specially passed for that purpose; that it was elected and organized according to the provisions of that law; that this convention dissented from the proposition of Congress, or rather did not consent thereto; that subsequent to this decision it was that the people met in their primary assemblies, and the result was that another convention was had. The documents furnished the Senate inform us that in two counties no elections were held, and, of course, those counties were not represented in this latter convention, the president of which, in a communication to the President of the United States, says that "the convention originated through primary meetings of the citizens of the several counties, in ample time to afford notice to the whole State; pursuant thereto, elections, kept open for two days, on the 5th and 6th instant, (December,) have been held in all the counties except Monroe and Macomb." This (Mr. M. said) was a relation of facts and circumstances to him entirely inexplicable; no time is mentioned as to the notice given, nor what kind of notice was thought necessary, or how the same was promulgated. This, as it appears to us, was mere matter of opinion, and might, in Michigan, depend very much on party views and party purposes. But the great principle, and, indeed, the argument, does not depend on these minor considerations; the question is, will Congress recognise as valid, constitutional, and obligatory, without the color of a law of Michigan to sustain it, an act done by the people of that State in their primary assemblies, and acknowledge that act as obligatory on the constituted authorities and Legislature of the State? Are we prepared to subject all State power and State authority to the test of this principle? Our answer not only concerns Michigan, but ought, and, I trust, will be examined into by every State in the Union; and although Michigan at this moment may be the scapegoat to bear off this power into the Western wilderness, yet it may and can be found convenient to apply it to other States. Are we prepared for this application? Is the great question now about to be decided? I would most seriously call upon all State-rights men to look well to this matter. Do you love and venerate your own constitution and laws, the only guarantee you have for all your personal, social, and political rights? Are you willing to subject them all to this tremendous power? Congress may have a favorite measure to accomplish, which may come in collision with State power. How easy to overcome this power, by doing what is now claimed to be right in Michigan; pass an act requiring the people of the State to give their assent to it, or permitting them, if you please, to do so; send amongst them your agents and emissaries, to induce calls for primary assemblies, to hold a convention to suit your views; obtain the act of assent by such convention, and your whole purpose is answered. The State is under your feet; you are the master-spirit that directs its movements; and you would have the right to call upon the executive power of the country to see that your laws were faithfully executed. Why, sir, but yesterday, and we might have looked on this picture as fancy only; but it is now fast assuming the character of fact, and we may awake to the reality before we are aware. All that has been suggested, and much more, may take place under the sanction of the broad principle now contended for. Let it not be said that we are unnecessarily alarmed, and that the argument is carried to extremes. We always test principles by the extent to which they can, consistent with themselves, be carried into effect. Suppose Congress should have a favorite project to carry through a State, say the State of South Carolina—for instance, a road or canal—which all would agree could not be done without the consent of the State, and Congress should pass an act in terms precisely those used in the act for the admission of Michigan, and the Legislature of the State should be convened to consider the proposition, or should provide for the election of a convention, who should meet and reject the same. If, after all this, some person should be found possessing influence sufficient, either with or without the patronage of this Government, to obtain a majority of the qualified electors of the State, or even the whole body of the people, both male and female, no matter how expressed, whether by convention or otherwise, would any man say that this was sufficient authority for Congress to proceed with the contemplated work? No! none would be found to avow this at once; yet to this length will the doctrine lead.

Sir, the matter can be brought home to our doors in Ohio; we have had a controversy partaking of this character with the Bank of the United States: the Legislature of the State denied the power of Congress to authorize the bank to send a branch into the State without its consent. Suppose the charter had contained a provision that a branch might be sent into any State by the "assent of a convention of delegates, elected by the said State, for the sole purpose of giving such assent:" Suppose, sir, this had been the original charter of the bank, and a convention of delegates had been gotten up, and have forced upon the State the power of the bank, contrary to her own constitution and laws, and against the express will of the Legislature: I ask every citizen of Ohio, what would have been his opinion and feelings on a state of things of this kind? For my own part, as a citizen of that State, I had rather see Ohio struck at once from the Union, than that a doctrine of this kind should be considered orthodox, and prevail in practice. We might wander for a while at large, and find a resting place; but when once swallowed up by this Government, our power of action would entirely cease. Then, indeed, would we have no Government of our own; we would be but mere automata in the hands of those who administer this Government. They would be the judges both as to the time and manner of our acting, and of the validity of the records of those acts. Would not this be the condition of the States if we adopt and maintain this dangerous principle?—a principle which admits a State into the Union without law and without record, so far as the State has any action in this case. It is true, as was observed by the Senator from South Carolina, [Mr. CALHOUN,] that good precedents are soon forgotten, while bad ones live forever. He (Mr. M.) contended that the principle contained in the preamble to the bill was vicious in the extreme. Shall we, then, countenance it? Shall we maintain it? He trusted not.

He said he was somewhat surprised, he confessed, to hear the doctrine that had been advanced by the Senator from Pennsylvania, [Mr. BUCHANAN.] That gentle-

man, if he understood him correctly, not only sustained the proceedings of the last convention in Michigan, but contended that if it had not assented, the people would have gone on, even *ad infinitum*, to elect conventions, until they had obtained one which would give the assent. A doctrine so latitudinarian as this, he said, he could by no means admit. It was a doctrine that unloosed all the obligation of society, and dissolved government into its original elements.

In a controversy of this kind he would not fear to meet the gentleman, even in his own State, in which, as far as he knew, this doctrine had been first promulgated to the country. He would call the attention of the Senator to a public letter from the pen of a very distinguished citizen of that State; that letter had been made public, and of course was public property, and liable to public examination. The doctrine, he contended, contained in it, was revolutionary in its nature; it went to prove, as he understood it, that the right of revolution was a right inherent in the very nature of our institutions; a doctrine which he could not admit as correct, and one which went to prove that we had no stability whatever in our Government. This doctrine was broached in a State whose citizens had always proved themselves sound republicans; democratic sons of democratic fathers; and he felt highly gratified in finding that in that State this doctrine had fallen still-born from the press: it was at once rebuked by the good, sound, democratic sense of the people, and he thought had gone to the tomb of the Capulets; but he feared it was but the precursor of more extensive operations of a system which, while it flattered the pride and vanity of the people, was stealing from them every vestige of liberty, and undermining the foundation of all their social institutions. The case of Maryland had been mentioned; the plea in that case was, if he understood it correctly, that the Legislature of the State having, as some thought, neglected to adopt such measures as the wants of the people required, that the people, or rather a majority of the people, had the right, by a convention, elected without the authority of any law, to put down the whole frame of Government, and establish a new Government, with new powers and new agents, in its stead; that, in fact, the majority of the people of a State had the right to form a Government to suit their own convenience, without any regard to the rights of the minority, as secured under the existing Government. This he considered the first act in the grand drama, by which he feared that public institutions, made for the safety of all, were to be abolished for the special benefit of a part; it was the mere precursor of more energetic and extensive operations. Suppose a few of the large States should be disposed to think that the Senatorial representation in Congress was unequal; that it was absurd, and derogatory to the rights of the people, that New York should have no more power in this body than Delaware; and should wish to change the present order of things. True it is that the constitution of the United States has provided that no State, without its consent, shall be deprived of its equal suffrage in the Senate; but what of that? This, according to the argument we have heard, is but a subordinate right, always subject to the constitutional power of the people; let conventions be holden, elected by the people in their primary assemblies, according to mere numbers, and less than half a dozen of the most populous States would swallow up the twenty smaller ones, who now, by giving their assent to this doctrine, do homage to the larger States for their liberties, and appear willing to rely on them, and not on the constitution, as the security for their rights. It would be well that we should always remember that our fathers did not expend their blood and treasure to establish a Government resting alone upon popular breath, but one founded on written constitutions and laws for the security of all, and in the formation of which all had an equal right to participate.

But, sir, suppose all that has been urged against the facts, as they appear in this case, should be deemed insufficient to show that the principle upon which the admission of Michigan is made to rest is founded in mistaken and erroneous views, yet he contended that there was no certain or conclusive evidence to show that the consent of the people of Michigan had ever been given, as required by the act of Congress. Who are the people of Michigan, within the meaning of that act? Surely the qualified voters of that State, and none other; no one will contend for an opposite construction. What evidence, then, have we that the convention which gave the assent was elected by the proper persons? None at all; for aught we know, or for aught that appears in any part of the documents furnished the Senate, there is no conclusive evidence that the people of Michigan ever did give their assent to the act of Congress. That the people of that State are desirous of being admitted into the Union he had little doubt; but insisted that certain forms were necessary before that admission could take place. The evidence furnished to prove a compliance with those forms he considered entirely incomplete and unsatisfactory. True, as the Senator from Tennessee has said, we have evidence founded on publications in newspapers, the statements of individuals, and copies of the proceedings of the convention itself; but none of these come to us under oath, or under the forms of official proceedings. The gentleman's opinion is, that evidence thus furnished ought to be considered sufficient to found an act of legislation upon. To this (he said) he agreed; but was the present a mere question of general or local policy, to operate in future? He thought not. It was a question of a judicial character. Deciding upon the proper construction of an existing law, and the facts that were to determine the rights of citizens under that law, we assumed here the character of judges rather than legislators; and he thought it indispensably necessary that at least the shadow of judicial evidence should be preserved; and he contended that in this case even that shadow did not appear. In measures of naked policy, the argument of the gentleman might safely be admitted; but he repudiated its application in the present case. If evidence of a higher nature exists, it is somewhat extraordinary that it has not been furnished the Senate. If we are to rely exclusively on the popular vote of the people of the State, we ought to have some evidence of the votes given, and by whom. Does a single gentleman here know, by any evidence furnished, whether the persons who voted on the 5th and 6th days of December, for members to a convention, were qualified electors or not? No; not one of us has any evidence on that point. How, then, are we to judge of the validity of the vote, or the rights of the convention? None of the proceedings were authorized by a State law, and thus stamping them with the solemnity of State authority; nor have we any parol evidence, even without oath, at all satisfactory on this point. It is most extraordinary that we are not furnished with any evidence as to who the voters were that cast their votes for the election of members to the convention by whom the assent was given; and we may ask, and not without reason, who were they, or by what rule or authority their votes were collected and counted? No one here knows any thing on the subject. Sir, the history of the day informs us that the tide of emigration into the State of Michigan has for a year or two past been immense; not only citizens of the United States, but foreigners, who have reached our shores in shoals, have found their way into that part of our country. Have we any evidence that this class of men were not the persons, in a good degree, who have thus undertaken to remodel the constitution of

Michigan, and with it the very principles of our Government? Was it this class of men, or any portion of them, that have undertaken to give the assent of Michigan to her boundaries, as prescribed by Congress? Have we, I repeat again, any evidence to prove that this is not the class of persons who elected the second convention? We have no such evidence.

There is another view of this subject, not unworthy our notice. The election appears to have been held two days in each county, and he should be glad to be informed who it was that selected the days, and the number of days in which the election was holden. Who it was that gave the notice of the place and manner of conducting the elections. Was it proclaimed by one individual, or was it made known by an assemblage of citizens in one county to the citizens of another county? Did the county of A send a special messenger to the county of B, and so throughout the State; or did the people act simultaneously, by instinct or impulse? Was the voting by ballot in one county, and *viva voce* in another, and in a third by the holding up of hands or counting of heads? All these facts, he contended, were entirely unknown to the Senate, and yet we were called to declare, by the solemn enactment of a law, that the people of Michigan, in proper form, had given their assent to the condition imposed on them by the act of Congress. He contended that the Senate was about to establish the truth of a fact about which they had heard but little, except from public rumor, paragraphs in party newspapers, or from the statements and assertions of individuals not under the obligations of an oath. This, he thought, would be a most dangerous decision, pronounced at a very inauspicious time. The condition of the country is at this time peculiar, if not alarming. He said he felt it his duty to express his opinions honestly, as he entertained them; and he regretted much that duty seemed to require him to comment on the existing state of things. Almost every newspaper on which he laid his hands contained the history of crimes almost without number, and strongly impressed upon his mind the idea that men began to think it right to take the administration of justice into their own hands, and dispense what they believed it to be, entirely without any of the forms of law. He had read of punishments of the highest nature being inflicted by the order of assemblies of the people, in some of the States, who had conducted their proceedings with all the formality and gravity, no doubt, that the convention of Michigan had conducted theirs. He had read, with some surprise as well as regret, advertisements in newspapers in different cities, offering for sale fine duelling pistols, and pistols for the belt and the pocket, bowie-knives, and like instruments, well calculated for the taking of human life, offered as convenient articles, necessary for the convenience or comfort of man. He had no recollection of seeing, until very lately, advertisements of this kind; and the question very naturally pressed itself upon his mind, what does all this mean? Does it not prove to us that men are endeavoring to place themselves entirely above the power of the law, and do that which they think to be right in their own eyes? He thought that it was high time for the whole constituted authorities of the country to use all proper means to circumscribe the entire action of the people within the strict limits of the law, before the restraint of law was lost sight of altogether. Recognise (said Mr M.) that the people of Michigan may, in this informal manner, dispense with the constitution and laws of their own State, and you at the same time recognise the doctrine that numerical strength alone shall have precedence in point of obligation to the most solemn legal enactments. It seemed to him there was at that moment a powerful responsibility resting on Congress, and that they ought to proceed with the most serious deliberation. He had heard for a year or two past much said about the abuse of executive power; but, said he, we are about to change the question, and to establish here dangerous assumptions of legislative power. By the act of the 15th of June, the fact of Michigan having assented to the conditions of that act is to be ascertained by the President of the United States alone; he is made the sole judge when the assent is given, and is to make the same known by proclamation. Has he found the fact to exist? or has he issued his proclamation? No; he has done neither. He informs us that one convention, elected and convened in pursuance of a law of the State, had not given its assent. He also informs us that another convention had met, and did assent; and he further says, that if the proceedings of this latter convention had come to him in the recess of Congress, he would have issued his proclamation in conformity with the provision of the act of Congress, if he was satisfied that this convention, in all respects, had accorded with the will of the people of Michigan. The President was not satisfied that such facts existed, upon which his proclamation ought to issue, and he referred the whole proceedings to Congress; and this very reference ought to prove to us that the fact did not exist, and that Michigan had not complied with the conditions required of her; and he referred it, in order that the restrictions might be removed; but, instead of removing the restrictions, we are about to find the fact of assent. He was anxious that this question should come to an issue, and that Michigan should come into the Union, but was not willing to sacrifice any principle to attain even this desirable end. He thought it would be better for the people of Michigan themselves, and more satisfactory, if they were kept a little longer out of the Union, rather than have a principle adopted which both of her conventions had declared to be unconstitutional. He trusted, however, that the difficulties might be remedied in the way suggested by the chairman of the committee; for he understood the gentleman to say that he viewed the preamble as of little consequence, and would vote for the bill if it was stricken out; yet he would feel himself bound to retain it, although he considered it perfectly harmless and nugatory.

Now, if this was the case, he hoped the gentleman, in courtesy, would at once agree to let it be stricken out by the Senate, without his vote, as he believed it to be entirely unimportant, while other gentlemen believed it involved a dangerous principle, and would compel them to vote against the bill if it was retained; and he fully believed, that if the gentleman would thus give his assent, and the obnoxious preamble was stricken out, there would not be a dissenting voice to the admission of the new State into the Union. He could see no prejudice that would result, in pursuing this course, to the boundaries of either Ohio or Indiana; their boundaries were already settled, and could not be disturbed, whether the preamble was retained or not. A great deal (said Mr. M.) has been said here about Michigan having extended her jurisdiction over part of the territory belonging to Ohio and Indiana; but if he understood the constitution of Michigan, no definite boundary was established by that instrument. It was in the preamble to the constitution it was to be found, and in that alone. It was there provided that the people inhabiting the Territory, as established by the act of Congress of 1805, formed for themselves a State Government; this he considered as creating no difficulty as it respected the question of boundary, either with Ohio or Indiana. He therefore most sincerely hoped the honorable chairman would give his assent to thus striking out the preamble, for with it he thought it impossible to vote for the bill.

The honorable chairman, he said, had told us that this was not a party or political question. He agreed with him that it was not. He felt that he ought to approach

it as a judge; and, so far as he was advised of the important principle involved in the case, he would endeavor to decide upon it according to the dictates of his best judgment. He trusted that no Senator would give his vote on this question under the influence of party or political feelings. However, (said Mr. M.,) we may be attached to party for the purpose of favoring political views as to future policy; yet, when we come to a question of the magnitude of the one before us, we must decide it upon higher grounds, and suffer ourselves to be influenced by the sound principles of justice only. If Michigan was not a State, when would her existence as a State commence? If she was a State at the time the act of the 15th of June last was passed, she could only speak or rather make known her will as such State, and therefore the assent of this latter convention was not her act. If, said he, we recognise her as a State, we must date her existence from the time she adopted her constitution; and if her Senators and Representative, who have been elected to Congress, are entitled to seats, then indeed was she a State to all intents and purposes from that time; and the convention which afterwards met without authority was in derogation of all her State rights. No gentleman, he presumed, would deny this; and yet we are about to set up the acts of certain unauthorized individuals as above the constituted authorities of the State. There was one circumstance which he deemed somewhat material, which he wished to notice. The number of delegates which composed the first convention was forty-nine, and he took it for granted that the law of Michigan prescribed this number. But the convention which gave its assent to the act of Congress was composed of seventy-two members. How happened this? Was this a movement by which certain gentlemen in the State were to be put up, and others put down? Who apportioned to one county twelve delegates, the sixth part of the whole number, while an adjoining county sent but two? Where was the power in Michigan to make this discrimination, except the legislative power? Sir, (said Mr. M.,) admit the truth of this preamble, and then the legitimate lengths to which it may be carried, and we dissolve the very elements of Government, and reduce its power to physical or numerical force. It is through anarchy that we arrive at despotism. Submit this to any State, even to Michigan herself, freed from duresse, and no one would agree to it. He was sure it never would be assented to in his own State; her people had no authority to change her political condition, even by the consent or advice of Congress, but only through their own Legislature, and in the manner and form in which they had bound themselves to each other in their own constitution. It has been said that the first step from correct principles was taken with more difficulty than others which followed. As in morals, so in politics: if we once let go our hold on the constitution, for any purpose whatever, we may soon find it convenient to dispense with it on most if not every occasion. These (Mr. M. said) were his views on this important question, delivered, to be sure, in desultory and unconnected manner; and he thanked the Senate for their patient attention.

Mr. STRANGE said he should detain the Senate but a moment or two; for, in his judgment, there was not space for much pertinent argumentation on the subject under consideration. He did not perceive the alarming consequences from the adoption of the preamble, which presented themselves to the minds of other gentlemen; nor, indeed, did he much care, except so far as it might be gratifying to others to retain it, whether the preamble accompanied the bill or not. The retention of it struck him as being an exceedingly simple matter, involving no assertion either dangerous or untrue. Congress, at the last session, passed a law constituting Michigan one of the States of this Union upon a particular condition therein prescribed, and the preamble merely asserted the performance of that condition. And what was that condition? Why, that the people of Michigan should hold a convention, and agree therein to be bound by the territorial limits prescribed by Congress to that State. Have the people of Michigan complied with that condition? Has she held her convention, and given the assent required? It was not denied, as he understood, that a convention had been holden, but the manner of holding it was objected to. He was not aware that either the common law, or any statute, prescribed any mode of assembling conventions; and no mode was prescribed in the act of Congress imposing upon Michigan the condition of holding this convention; and it was rather hard now, after she had holden her convention, to tell her that she could take nothing by it, because it had not been properly holden, although no landmarks for her guidance were laid down by the common law or statute, and Congress herself had neglected to indicate any mode in which a convention might be constituted satisfactory to herself. Michigan was left, as we are still left, to the plain dictates of common sense, that a convention was an assemblage of the people of a community, in person or by their agents or representatives, no matter how assembled; and by that plain principle of common sense she has a right to ask that she shall be tried. How was the Government under which we live put in operation, but through the action of the primary assemblages of the people?—and who has ever dared to question the propriety of that result? And is Michigan now to be told, in the absence of all law, and in the face of such examples, that there was a particular mode of action, the only legitimate and proper one? The report of the chairman of the Judiciary Committee shows that Michigan has holden a convention and given her assent, and it is not denied that a convention has been holden, and the assent thereby given; but gentlemen say it is not a legitimate convention, but do not show us what is necessary to constitute a legitimate convention. It has been assumed, in the argument of this matter, that Michigan is a State. If so, there is nothing left, it seemed to him, either to dispute or legislate about. The Senators and Representative from that State were entitled to their seats without further action. He was not prepared to admit that she was a State. She was unquestionably once a Territory, the property of this Union, and could only rise to the dignity of a sovereign State by the consent of Congress, properly given. Congress had given this consent, but it was accompanied with certain conditions, which conditions must be performed ere the consent could take effect; and whether these conditions had been performed was the very matter under consideration. He denied that there was any chrysalis state in which she ceased to be a Territory, and yet was not a member of this Union. The transition must necessarily be instantaneous from territorial existence to that of membership in the Union. Until she became a State she continued to be a Territory, and only ceased to be a Territory when she became a State in the Union. Her existence as a State, and her membership in the Union, were the cotemporaneous effects of one action.

If he rightly understood the reason why Congress had imposed this condition upon Michigan, it was that there might be no future difficulty between her and the States of Ohio and Indiana, relative to boundary. Congress could never decide the judicial question, as to what effect any or all the circumstances should have upon the rights of the several parties. As a matter of prudence, she might ask conditions which might, in her judgment, tend to peace, but it remained to the judicial tribunals of the country only to decide ultimately upon their regularity and effect. A rigid technical course was, therefore, unbefitting Congress; and nothing remained for

her at present but to ascertain, upon broad and liberal principles, whether the condition required of Michigan had been performed.

Some reference had been made to the State of Maryland in the course of the argument, which, by the by, he did not think at all parallel to the case of Michigan; but, as it had been mentioned, he would say that if the people of Maryland, or any other State, thought proper at any time, by a convention, however originated or organized, to change her constitution, Congress would have no right to interfere, unless she departed from a republican form of government. It was an affair entirely domestic; and the authority of Congress to intermeddle in the matter, under any circumstances, could only be by force of the fourth section of the fourth article of the constitution of the United States, by which a republican form of government is guarantied by the United States to the States, respectively. The evil of such a course, if any, would be confined to the citizens of the State itself; and neither the General Government, nor that of any other State, would have a right to interfere, as long as the republican form of government was preserved. But the case of Michigan fell far short of this, and, in his judgment, involved no question which could alarm the most apprehensive. It was a case which could only occur on the formation and admission of new States, and could be drawn into precedent under no other circumstances. The simple question, he repeated, was, has Michigan complied with the conditions required of her? The preamble affirmed that she had, and, believing it to be true, he should vote for retaining it.

Mr. DANA said: I have listened with attention to the arguments of the gentlemen opposed to the admission of Michigan into the Union, and have perceived no sound reason for rejecting her application. She has, as is admitted by those gentlemen, complied with all the conditions required of her. She has the requisite population; she has formed a republican constitution; and Congress, by its act of last session, has approved of that constitution. And does not an imperious duty rest on us to receive that State into the Union? She asks it, and I am satisfied that we are bound to grant her request. And why not do it now, sir? We are told by the honorable gentleman from South Carolina, [Mr. CALHOUN,] that we cannot do it without a violation of the constitution; and by the honorable member from Ohio, [Mr. MORRIS,] that it cannot be done without dissolving the elements of our Union? But how stands the case? Let us advert to the principles and facts on which this question rests. Sir, a long and severe contest had existed between Michigan and Ohio in relation to their boundary line, each claiming the same territory, and each ready to defend it with their lives. Michigan claimed an admission into the Union; but Congress could not admit her, standing as she did in a hostile attitude towards one of the States of the Union, until the exciting question of boundary was settled. And the wisdom of this measure is apparent to every one. To have admitted her with her quarrel into the Union would have been dangerous and ruinous. Congress, therefore, in the first place, proceeded to settle the boundary line between these contending parties, upon principles conceived to be right, and then to limit and prescribe the boundaries, and point out the territory over which Michigan should have jurisdiction; and then, in the same act of June, it approved of her constitution, and provided for her admission into the Union by the proclamation of the President, if a majority of delegates, chosen by the people for that sole purpose, should give their assent to the terms of admission prescribed by said act. And to me it appears that the only question for us to consider is, have a majority of a convention, thus chosen, given their assent to the terms of admission? If they have, we are bound, sir, to admit them.

It is understood, sir, that a convention of the people of Michigan was held in September last, who did not give their assent to the terms of admission prescribed by this act; and of course the President did not admit that State into the Union by proclamation. It is further understood, that a second convention was held on the 15th December last, who did give their assent to the terms prescribed by the act, as before mentioned; but the evidence of this assent was not communicated to the President until after the present session of Congress. He did not admit the State by proclamation, but said he should have done so had he received evidence of the fact of the assent of the convention during the recess. As he did not, he has submitted the subject to the present Congress.

These, sir, are the facts. And, now, what are the principles by which we are to be governed in the case? If, sir, I understand any thing of statutes, or their construction, the act of Congress of last June, defining the limits and regulating the jurisdiction of Michigan, accepting her constitution, and providing for her admission into the Union as an independent State, stands, as it ever has stood, an act of Congress. That section of it, however, which authorized the President to admit this State by proclamation, not having been acted upon by him, is inoperative, a dead letter. The power delegated by Congress to him, now reverts to them, and we can admit upon the same terms on which we authorized the President to admit this State, or we can admit upon such other terms as Congress shall deem wise and expedient. But, sir, we are told by grave and learned Senators that Congress having authorized the President to perform this service on a certain contingency, that he, and he alone, can receive this State into the Union. Is this sound doctrine? Can it be so? Let us examine this position. On receiving evidence of the assent of a majority of the convention, the President was authorized to admit this State into the Union. He does not receive this evidence, or not in season, and the subject is submitted to Congress. Now, sir, my apprehension is, that the President's power conferred by the act has ended; that it has reverted to Congress, and they alone can exercise it. Does a delegated power for a specific object, and for a limited time, always continue? Cannot those who constitute an agent also revoke his power? And can they not exercise that power, when voluntarily surrendered by the agent? If not, I have yet to learn the first principles of statutes and their construction. Yes, sir, in my humble opinion, we have a right to exercise the powers we delegated to the President, and that section of the statute granting them will not be violated. That section is dead, and as if it never had passed; and the powers return to us, and, I trust, to be exercised by us in the admission of this State.

But, sir, we are met with another objection, viz: That a majority of the convention have not assented to the terms prescribed in the act of June last. We are told, sir, that one convention assembled for the purpose of giving their assent, but withheld it, and that their doings ought to be conclusive. Again: the honorable Senator from Ohio [Mr. EWING] tells us that the second convention was not called by authority, not according to act of Congress; that it originated with the people, and that they assembled in their primary meetings and chose their delegates to the convention. And then he triumphantly asks, who presided at those meetings? How were they organized, and who swore their officers? My reply to these positions and inquiries is, first, that the act of Congress requiring the assent of the convention does not point out how the delegates shall be chosen. It requires the assent of a majority of a convention chosen by the people for that purpose. Here, sir, the law has left it, and wisely left it, to the people to select their

delegates in their own way. If a particular mode had been pointed out, that mode must have been pursued; but as there was none, the people were left to their own election, and they have exercised their powers as they thought most judicious. And now, sir, because they have not exercised them in a manner agreeable to the views of gentlemen, but in perfect accordance with the act of Congress, shall we set aside their doings, and compel them to wait year after year for the enjoyment of those rights and privileges to which they have long been entitled? "Who presided at those meetings? How were they organized, and who swore their officers?" Claiming the privilege of a Yankee, I will answer these questions by proposing others. Who presided over the meetings when the former delegates were chosen; and how were those meetings organized? Who swore their officers? I have no doubt but that the town meetings were properly organized, governed, and the officers duly qualified. But, sir, is that a question before this honorable body? Has this Senate looked into the organization of towns, and to the qualifications of their officers? Such an instance I have never known, nor does it in my opinion exist. What, sir, shall this grave Senate convert itself into an inquisitorial body over primary assemblies? And where shall we begin, and where end? Suppose we look into their organization for the year 1836. That inquiry must necessarily carry us to their organization, and the qualification of their officers for 1835; and so we should go on to the first precedent under the constitution. The idea is too absurd to dwell upon. And why should we doubt a correct procedure in the primary assemblies of the people of Michigan any more than in those of Ohio, or any other State? No, sir; the people of Michigan had a right to hold their primary meetings and choose their delegates, and they have done it; and who has a right to gainsay it? There seems to be a dread of the revolutionary character of these meetings! A dread of the doings of the people? Sir, I have no fear of either. When left to themselves, the people will generally do right; much more so than those who would trammel them, and lead them astray. Neither have I any of those apprehensions or gloomy forebodings which seemed to alarm the mind of the honorable Senator from South Carolina in regard to the violation of the constitution; nor have I any fears that the elements of our Government will be dissolved, which seemed to burden the anticipations of the honorable member from Ohio, [Mr. MORRIS,] although we should adopt the proposed measures of admission. Sir, our glorious independence was the purchase of blood and treasure lavishly expended, and our constitution and form of government the result of mature wisdom and experience combined; and are these States, after all, bound together by such feeble ligaments? Is the value of our Union so slightly appreciated as to be dissolved upon false issues, and for trivial causes? I will not indulge in such anticipations, especially not as the consequence of this measure.

Much, sir, has been objected to the passing of this bill, because the first convention of delegates withheld their assent to the requisitions of the act. I am not at all surprised that they did; nor ought this to operate in any way against their subsequent assent. Consider for a moment the situation of the people of Michigan, when they chose their delegates to the first convention. They were then agitated by the question of boundary; they were disappointed at the decision of Congress; they were smarting under the wounds they had received from Ohio; and, not having time nor being in a condition to reflect upon the advantages and disadvantages of a union with the States, they did not consent to the terms proposed by the National Legislature. Is this, then, strange? Would it not have been more strange if, under the circumstances, they had given their assent? But, sir, when passion had subsided, and opportunity had been given for reflecting upon the situation of a State out of the Union, they discovered that they were depriving themselves of great and inestimable advantages; that their present state was one of weakness and exposure, and strength and protection could only be found in the Union. Was it, then, wonderful that a change of sentiments should have taken place? No, sir, it would have been much more wonderful if a change in this respect had not taken place. And is it true that, because one convention did not consent to the terms prescribed, another could not? No, sir, if one or two, or even a dozen conventions, had refused their assent to the conditions, and afterwards, upon reflection, the people changed their minds, and chose a convention, a majority of whom at last gave their assent, they would even then have had an incontestable right of admission into the Union. Besides, this last convention was chosen by about three thousand votes more than the former one.

Sir, actuated by these principles, applied to these facts, I can entertain no doubt of the rights of Michigan in this case, and the path of our duty is equally clear. But I am not for admitting them without retaining the preamble in the bill. That connects their admission with the terms prescribed in the act of June, and that settles the boundary line between Michigan and Ohio, and puts an end to the long and bitter, if not bloody, contest in which those two States have been involved. Nothing can be more abhorrent to the feelings of every friend of liberty and humanity, than a fratricidal war between two of the States of this Union. I would never admit Michigan and her quarrel, but it should be fully and permanently settled before she becomes one of the United States.

I concur, sir, in the views of the honorable Senator from North Carolina, [Mr. STRANGE,] that if this question should be brought up hereafter, it must be settled by a judicial tribunal. But the act of Congress prescribing and making known the terms of admission, and the assent of the convention to those terms, together with the preamble of the present bill, would, I apprehend, throw an insuperable barrier in the way of a recovery by Michigan. I am therefore for retaining the preamble.

A single thought more, and I have done. It is not denied that Michigan embraces a population which entitles her to a rank among her sister States; that she has formed a republican constitution and organized her Government under it, and that Congress have approved of it. She has also given her assent to the terms prescribed, and now presents herself for admission into the Union, and for her legitimate rank as an independent sovereign State. Her claim is not without precedent, but has frequently been conceded to others. Now, let me ask, what is the duty of Congress? Have we a right to deny her this privilege? Shall we continue to debar her, from year to year, of rights and privileges to which she is entitled, and which she demands at our hands? Sir, a solemn duty devolves upon us, and I trust that we shall best discharge it by immediately admitting this State into the Union.

Mr. WALKER said that the Senator from South Carolina [Mr. CALHOUN] seemed to consider the question of the admission of Michigan as a State of the Union, at the present session of Congress, as fraught with alarming consequences. The preamble of the bill now under consideration, the Senator tells us, imbodies principles anarchical, revolutionary, and subversive of the constitution of the Union. The Senator says Congress can call no other convention than one to amend the constitution of the Union. Yet, said Mr. W., they have repeatedly called conventions to enable the people within certain territorial limits to form State Governments. And Mr.

W. read extracts from various acts of Congress to this effect.

[Mr. CALHOUN here said he intended to say that Congress could call no convention in a State, and that Michigan was a State when this convention was called.]

If, then, said Mr. WALKER, Michigan is a State, or was so when this convention was called or assembled, why does the gentleman refuse to consider her as a State, and deny her, not only now, but till next year, any representation in the Senate of the Union. If she (Michigan) is a State, as the gentleman asserts, she must be entitled to all the rights of a State, and especially to the most important of all those rights, that of representation in the Congress of the Union. Sir, said Mr. W., this convention in Michigan has been assembled, as in former cases, by a people passing from territorial pupilage to State sovereignty, and is called by Congress in the same manner as similar conventions have been heretofore called by Congress, for the same purpose. But if Michigan be a State, and it be a violation of State sovereignty to authorize the people to call a convention, is it not equally a violation of State sovereignty for Congress to authorize the Legislature to call a convention in Michigan, and especially to call such a convention in a manner repugnant to the provisions of the constitution of Michigan? Yet the Senator from South Carolina adopts the proceedings of the first convention, and disowns the proceedings of the second convention. Was the first convention called in pursuance of the act of Congress? If so, that convention, according to the Senator's argument, is a gross violation of the constitution of the Union; and yet, if that convention was not called in pursuance of the act of Congress, the dissent of the convention to the terms proposed by Congress can have no effect. Now, one of the express grounds upon which the first convention refused its assent to the terms proposed by Congress was, that the convention then assembled had no control over the boundary question; the Legislature not having pursued the mode designated by the constitution of Michigan, in calling the convention. And yet the Senator from South Carolina would give efficacy to the proceedings of this convention, which disclaims its own authority and constitutional existence, whilst he denies the authority of the last convention, assembled in pursuance of the act of Congress. The act providing for the admission of Michigan as a State of the Union demands, as a prerequisite of admission, the assent of a convention of delegates elected by the people of Michigan, for the sole purpose of giving such assent. The intervention of the Legislature was not required, nay, it was previously dispensed with; for the bill, as proposed at the last session, did first require legislative action; but that clause of the bill was stricken out, as Mr. W. conceived, to satisfy those who contended that the Legislature could not, but by the assent of two thirds of that body, assemble a convention for any purpose whatever, and that the assent of a majority of the people was all that Congress required. But now the utmost authority is given to legislative action by those who denied its authority at the last session of Congress. A convention of delegates, elected by the people, was all that Congress required. That convention has assembled, and there is satisfactory evidence that it did truly represent the wishes of a majority of the people of Michigan. It was a convention called, not by Congress, but in pursuance of the act of Congress; and the act required no other authority. The President declares that this convention has so assembled, in pursuance of the act of Congress, and that if Congress were not in session, he would have issued his proclamation for the admission of Michigan.

Now, said Mr. W., the act of Congress authorized the President to form an opinion as to the validity of the convention, and admit Michigan. He has formed and communicated to us that opinion, and now gentlemen would not give the effect even of *prima facie* evidence to the President's opinion, as now officially communicated to this body. If the President was satisfied with the validity of the assenting convention, he might, under the law, have proclaimed Michigan a member of the Union. He tells us he is satisfied; and yet now that opinion is to have no effect whatever. All that Congress desired was the assent of a convention of the people, not of the Legislature of Michigan; and if the convention be revolutionary, the act of Congress is revolutionary; for it requires no assent or sanction of the Legislature of Michigan. But if the second convention be revolutionary, because not called in pursuance of any law of Michigan, why is not the first convention still more clearly revolutionary, because called in defiance of the provisions of the constitution of Michigan? But, said Mr. W., if Michigan became a State by the adoption by her people of their State constitution before the last session of Congress, why, when the Senator from Ohio, [Mr. EWING,] at the last session, introduced his bill to annul all that had passed, and calling, by the mere act of Congress, a new convention in Michigan, did not the Senator from South Carolina [Mr. CALHOUN] then oppose that act of Congress for calling that convention in what, it appears, the Senator considers the State of Michigan? Yet all the Senator's friends who voted on that bill voted for it; and, of course, if the Senator's present position be correct, violated the constitution of the Union. It is somewhat remarkable that Michigan is regarded by many as a Territory, when that view of the question will exclude her from the Union; and that again she is held up as a State, when that position, it is supposed, will delay her admission.

Mr. W. concluded by observing that, in his opinion, to delay longer the admission of Michigan would be an act of the clearest injustice, and a violation of the spirit of the constitution and of the ordinance of 1785.

Mr. TIPTON addressed the Senate in favor of the bill. Again, said he, we have before us the question of admitting Michigan into the Union as a member of this confederacy. This subject is an old acquaintance. Four years ago it came before us in the form of a memorial from her Territorial Legislature, praying Congress to authorize the election of delegates to a convention, for the purpose of framing a constitution, and to provide for her admission into the Union on an equal footing with the existing States. The subject was referred to a select committee, and a bill was reported accordingly; which, however, did not find favor with a majority of the Senate of that day. Every effort made by its friends was met by motions to postpone, lay on the table, or adjourn; the opposition having the power in the Senate to give the bill the go-by, the session closed without passing the bill, and, as he thought at the time, in denial of justice to the people of Michigan.

The people of the Territory, thus left to seek justice under the ordinance of Congress of July, 1787, in their own way appointed delegates to a convention, to form a constitution and State Government for themselves. But, unfortunately, by their constitution, they claimed jurisdiction over a portion of the territory of the neighboring States. They claimed to include within the jurisdictional limits of Michigan more than a thousand square miles of the State of Indiana. This territory was given to Indiana by an act of Congress of the 19th of April, 1816, authorizing the people of Indiana to form a constitution and State Government. The territory was accepted by Indiana, her laws extended over it, and thereby placed beyond the control of Congress or any other power except that of the people of Indiana. That part of the

constitution of Michigan which lays a claim to jurisdiction over it, is, therefore, contrary to the constitution and laws of the United States, and necessarily void.

By the act of Congress of the 15th of June, 1836, Michigan was admitted into the Union on certain conditions, one of which prescribed the limits within which she was to exercise jurisdiction; confining her southern boundary to a line drawn through a point ten miles north of the southern extreme of Lake Michigan, which line is the northern boundary of the State of Indiana. To the boundaries thus prescribed, Michigan was required to give her assent by a convention of delegates elected by the people for that sole purpose. The President of the United States, on being notified that the assent of Michigan was given to the terms prescribed by Congress, was authorized and required to issue his proclamation announcing the fact; upon which she was to be admitted into the Union without further legislation on the part of Congress.

It appears, by the documents communicated to the Senate by the President, that there have been two conventions held in Michigan since the adjournment of Congress in July last. The delegates composing the first were elected in pursuance of a law of her Legislature. The convention consisted of forty-nine members, met at Ann Arbor in the month of September, and, by a vote of 28 to 21, refused to accept the terms of admission proposed by Congress. Various causes operated, we are told, to produce this result. The people of Michigan, finding the very unpleasant position in which they were placed by the non-acceptance of the terms of admission proposed to them, met in primary assemblies, and resolved to hold elections in the different counties for delegates to a convention, to accept the terms of admission proposed.

Elections were holden in an orderly and proper manner in every county but two. Near three thousand more votes were polled at this than at the former election. About 70 delegates were chosen, who met in convention on the 14th ult., and by their resolution, now on our tables, unanimously acceded to the terms upon which their admission was provided for.

Honorable Senators on the opposite side of this question deny the legality of this latter convention. They tell us it savors of revolution or misrule, is subversive of the constitution and principles of the Government under which we live, lacks the sanction of law, and does not by any means express the sentiments of the people of Michigan. What would the honorable Senators have had the people of Michigan to do? Congress had prescribed no method to be pursued by them in electing delegates to the convention. It said nothing about a law of the Legislature of Michigan being necessary to legalize the election. But, on the other hand, the delegates who composed the first convention declared, in the preamble to their resolutions, that the Legislature of Michigan derived no power from their constitution to authorize or direct the election of delegates to a convention.

If a competent authority had laid down rules by which these elections were to be conducted, the qualification of voters, &c., they would have been implicitly obeyed; but as nothing is said in the constitution or law upon the subject, the people were left to pursue such a mode of arriving at the object as they thought proper, and we learn that the elections were conducted in the manner heretofore usual in the Territory. With this I am satisfied. I consider it a convention of delegates elected by the people, for the sole purpose of giving the assent required; that they have given their assent will not, I presume, be denied. And, such being the case, I feel bound, from a sense of justice, to fulfil the agreement made with them on our part.

Mr. T. said he was somewhat surprised by the course pursued by the honorable Senator from Ohio, [Mr. MORRIS.] That Senator was a member of the Judiciary Committee, who reported the bill under consideration, knew the views entertained by the majority of that committee, and now he moved to recommit the bill, with instructions to strike out the preamble, because, as he tells us, it recognises the action of the last convention of delegates. The mode pursued in electing delegates to that convention he is pleased to characterize as revolutionary; and he tells us, all that is necessary is to strike out the preamble, and repeal the third section of the law of the 15th of June, requiring the assent of the people of Michigan to the terms of admission, and all will be right. I suppose he thinks all is safe as regards his own State, and that others must take care of themselves. Sir, I hope that the members of this Senate will bear in mind that, in framing the constitution of Ohio, doubts existed whether a line drawn due east from the southern extreme of Lake Michigan would terminate upon Lake Erie or the Detroit river; and the convention incorporated in the 6th section of the 7th article of the constitution of that State, a provision, that if the line referred to should not include the most northerly cape of the Maumee bay, then, and in that case, the northern boundary was to be extended so far north as to include it, with the assent of Congress. And, sir, the honorable members from Ohio, in this and the other branch of Congress have labored incessantly for forty years to obtain the assent of Congress to that provision, and it was not until the last session that a law could be passed fixing that boundary as he wished it, and now the honorable member tells us all is well. He is willing to strike the preamble from this bill, and repeal the third section of the law of last session, both of which require the agreement of Michigan to take the northern boundary of Indiana, as now established, as her southern limit. Sir, I shall vote against the recommitment, and against striking out the preamble of the present bill. I view the preamble as in fact the key to the true intent and meaning of the bill, and as important as any part of it. If it be stricken out, I must vote against the bill. To pass the bill without the preamble, would, in my judgment, endanger the peace of more than one State. To retain it can be productive of no evil, whilst striking it out might be followed by serious consequences. It might give Michigan grounds to believe that she would be supported here in the extraordinary claim she has set up to more than a thousand square miles of the State of Indiana, a territory which Indiana will never resign.

I am in favor of the bill as it came from the Judiciary Committee. It will quiet forever the unjustifiable claim of Michigan to a portion of the State from which I come. I am anxious she should be admitted into the Union, when this can be done with a due regard to the interests of the neighboring States; and I think this can be best effected by passing the bill as it came from the committee.

Before the question was taken, on motion of Mr EWING, of Ohio,

The Senate adjourned.

TUESDAY, JANUARY 3.

After the reception and reference of sundry petitions, the Senate resumed the consideration of the bill declaring the admission into the Union of

THE STATE OF MICHIGAN.

The question pending was on a motion made yesterday by Mr. MORRIS, to strike out the preamble of the bill. This motion Mr. M. now varied, by moving an amendment to the preamble, (recapitulating the proceedings in Michigan under the act of the last session of Congress for the admission of the State,) which modifi-

cation he was desirous of trying before the question should be taken on striking out the preamble.

Mr. EWING, of Ohio, rose and addressed the Senate nearly as follows:

To the bill now before the Senate (said he) I have no other objection than that which I stated at the last session, viz: that I feel reluctant to admit a new State into the Union, unless she come in regularly, in accordance with a law of Congress previously enacted.

But I waived this objection in the case of Arkansas, because a precedent had been set by the admission of Michigan at the last session. Still, however, I think it wrong; the practice is loose, irregular, and calculated to lead to bad consequences. And I think it proper to say that in the present question, in any of its forms, the State of Ohio has no interest whatever; none in the preamble, none in the bill itself, save that interest which she shares in common with all the other members of the confederacy; and, in voting on this question, I shall vote precisely as if Ohio were the most distant State in the Union from Michigan, instead of being separated from it only by a boundary line, which line was once disputed.

On this subject my colleague and myself entirely concur. Indeed, we have from the first differed but little in our opinion as to the controversy lately pending between our State and Michigan; but we here concur entirely as to the effect of this preamble upon her, and we may fairly assume that we speak the opinion and feelings of the State on that point. We hold this preamble untrue in fact, and of most dangerous tendency. Our State, for whose benefit gentlemen profess to have inserted it, has no interest in the thing. She does not ask for it; and if she had an interest, no matter how deep and vital, she would not consent that that interest should be subserved by stating, in a solemn act of legislation, that which is untrue.

Permit me to reiterate that there exists at this moment no controversy whatever between Ohio and Michigan, nor does there exist, at least on the part of the citizens of Ohio, the slightest feeling of enmity toward their neighboring fellow-citizens. There is no such feeling there; and I well know there is none here. The controversy which once agitated and excited them is now settled. Congress, by its act, has assented to the boundary claimed by Ohio in 1803, before Michigan was erected into a Territory; and unless the act of 1805 is irrevocable, there can never again be any controversy between Ohio and Michigan on the question of boundary. If it is pronounced irrevocable, then it is not in the power of Congress to modify or touch it, and the boundary therein specified will be declared by the Supreme Court to be the true boundary. But if that act is not irrevocable, we are so affected by it that it never can be revived against Ohio.

But I said the preamble to this bill asserts what is not a fact. I shall endeavor to make that position good. What is its language?

"Whereas, in pursuance of the act of Congress of June the fifteenth, eighteen hundred and thirty-six, entitled 'An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed,' a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their assent to the boundaries of the said State of Michigan, as described, declared, and established, in and by the said act, did, on the fifteenth of December, eighteen hundred and thirty-six, assent to the provisions of said act: therefore"—

Now, I take it that, in the insertion of this preamble, the Judiciary Committee meant to declare that the convention referred to was a legal convention; that it was such a convention as is contemplated in the act of Congress for the admission of Michigan into the Union; that it was a convention according to law. This is the fact asserted in the preamble, and this I controvert.

The evidence is well condensed in the recital which my colleague offered as an amendment to the preamble, and we have it more at large from the President, in his official communication now on our tables. From this it appears that a convention, called by an act of the Legislature of Michigan, did assemble, and, after deliberation, did refuse to enter the Union under the conditions of the act of Congress, and that their dissent was forwarded to the Executive. Now, it is said by the honorable Senator from Pennsylvania, [Mr. BUCHANAN,] this convention was not held according to the act of Congress; that Congress directed the people to meet; and that no reference was had in the act to the interposition of the Legislature of Michigan; but that a subsequent convention, which, it is said, afterwards assembled, alone satisfied the law. The question, then, is between the two conventions. If the first was legal, the last was not. If the first was not legal, then we may inquire into the legality of the second. Now, let me put one question to that honorable Senator; I ask him whether, had the first convention, instead of rejecting, accepted the conditions contained in the act of Congress, would he, in that case, have held that assent illegal? Would he then have said that it was a convention not held according to the act of Congress? I would almost venture to say that he would not; I rather think the convention would have passed pretty well. But if so, what has altered the matter? If that was a proper mode of calling a convention which assented, why was it not a proper mode of calling a convention which refused its assent? But after the convention assembled by the Legislature of the State of Michigan (for our act did recognise her as a State, though I think very improperly) had dissented, no attempt whatever was made by the constituted authorities of the State to bring together another; none whatever. But an assemblage of the people, in meetings which are familiarly denominated caucuses, was held in some of the counties, and mutually agreed to call a new convention. Committees get together, and, after consultation, publish a time and place at which it is to assemble. The whole matter was utterly unauthorized, save by party organization, and was the effect of such organization. Will any man dispute it? Will any man pretend that this latter convention was the effect of a simultaneous and spontaneous impulse of the whole people of Michigan? Is there any the least proof of such being the fact? The convention originated in county calls; and all the counties but two joined in the plan, and held elections for delegates. What evidence is there of any regularity in these elections?

Let us look at the papers. We have, to be sure, the act of the convention itself, giving the assent of the State to the act of admission, and which was transmitted to the President of the United States. And we have the certificate of General Williams, said to have been the presiding officer of the convention, and the names of the delegates. But there is not any official act or signature of any officer known to the laws, either of Michigan or of the United States; not the slightest proof of their election or qualification. That paper, containing the assent of Michigan in a matter so important, is not at all authenticated. Where do you find the law according to which it was conducted? There is none. It rests on nothing. There was a meeting of certain individuals held at a place called, I believe, Ann Arbor; and we have certain resolutions of theirs, which are to avail against the doings of a convention held in pursuance of a law of the State, and all whose acts are fully and legally authenticated. I cannot recognise such a paper. I must do violence to my own judgment, should I receive

it. Even the chairman of the Judiciary Committee could not do it. He called upon the Senators elect (and whose admission here is to follow the passage of the bill) to say that every thing at this self-styled convention was well and duly conducted; and they do say so, and give the private letters of certain individuals to that effect. And they give, further—and that I understand to be the evidence principally relied on—an article from a Detroit newspaper, stating that such an election was had, such convention held, 3,000 more votes were given for the delegates to this last convention than for those who constituted the first convention. This, sir, is the evidence to support an organic law of a new State about to enter the Union! Yes, of an organic law, the very highest act a community of men can perform. Letters, referring to other letters! and a scrap of a newspaper!

I am not satisfied that the Government of my country, or of any portion of it, should stand on such a foundation. I am not willing that an organic law of a sovereign State should be thus made and thus authenticated.

But supposing that all the counties of Michigan did agree to the proposal, and did send delegates to this last convention, and we had the returns of the elections; yet who, I ask, presided at the polls? Who determined what votes should be received? How many votes was each man who favored the object permitted to give? Who voted? Was it the qualified electors, or was it all the men, women, and children, of Michigan and its vicinity?

The honorable Senator from Maine [Mr. DANA] says we are not in the habit of going into town meetings to see whether the votes are regularly polled for members of Congress; and he asks why we should be so particular in this case. The gentleman seems to have no conception of the difficulty in which his party have involved themselves. It is true, we don't go into the doings of town meetings; and why? Because those meetings are held by regular authority; the officers who preside are appointed by the State, and their certificate is official and legal evidence of that which they certify. That certificate is submitted to a superior officer, appointed also according to law; that high officer of the State is known to the nation, and his certificate is evidence to us of all that it covers, thus constituting a regular chain of legal evidence and official authentication. But here there is no official, no legal evidence whatever—nothing but the certificates and statements of unauthorized and generally interested individuals.

In this case, therefore, if we aim at truth, we must go into detail; we must poll the votes; we must see for ourselves whether the people were called together, and how called, and whether they obeyed the call; because we have no regularly appointed chain of officers to ascertain these facts and certify them to us.

But the honorable Senator from Tennessee says, that though we may be without evidence which is strictly legal, yet we do possess such evidence as is made every day the basis of legislation; nay, that we often proceed on much looser evidence; and he seems to think that we may well dispense with that exact legal evidence on this occasion. And yet he says that the recital in the preamble of the bill, containing an assertion of facts of which we have no legal proof, will create a legal estoppel against Michigan, which will forever bar her from hereafter contesting the question of boundary with Ohio. Indeed! and what sort of an estoppel is this to bind a sovereign and independent community? The letters of A, B, and C, and a paragraph in a Detroit newspaper! Will the honorable chairman of the Judiciary Committee of the Senate of the United States place himself upon this ground in a matter of such moment? He cannot, I am sure, have duly considered the matter; he could not deliberately wish to bind one of the States of this confederacy by an act resting on this loose assertion, without evidence.

It is said, however, that the law of Congress pointed out no particular mode in which the people of Michigan were to meet, in order to express their assent or dissent to the proposition contained in the law; that this was an omission on the part of Congress, and no fault in the people of Michigan. Agreed: I know it was a defect in the law. I saw it, too, at the time. I understood and suggested it, but to no purpose. But how was that bill passed? It was forced through the Senate by a majority of one vote; it was driven through late at night; and those who were opposed to it had not time allowed them to state and to support their objections, or even to counsel with the majority as to the mode of obviating them; and for the reason, if I rightly remember, that one of the Senators on the other side wished to make a short excursion of business or pleasure into the country.

I, for one, looked upon the third section of the act for the admission of Michigan as a perfectly nugatory provision. It seems to be supposed that the Senators from Ohio sought the insertion of this third section because they did not agree that the assent of the Legislature of Michigan and her Senators and Representative here to the conditions in the bill would be binding on the State. We did, it is true, hold that their assent would be invalid. We did, it is true, say that their assent would be nugatory; but we did not, therefore, ask for the third section authorizing a convention, and we held that the assent of such convention, if given, would be void also. And why? Because Congress had recognised the constitution of Michigan as that of a sovereign State; we had recognised her Senators as elected under it, and then proposed, by an act of Congress, to authorize the amendment of that constitution in another mode than that pointed out by the constitution itself. And if she were a State, as that law avers, I held, and I hold now, that we could no more touch her constitution by an act of Congress, than that of any other sovereign State. I indeed did not admit that she was a State; but gentlemen on the other side did aver it; that law assumed it, and an essential part of its provisions rested on the assumption. Gentlemen having taken their position, and sustained it by a vote of the Senate, had no right to change that position; and on the ground chosen by themselves we met them, and now meet them. The act, then, as it is now construed by the Senator from Pennsylvania, authorized the people of a State to meet in convention and amend their constitution; and, in the plenitude of our power and of our democracy, we pass by the Legislature of the State, and appeal directly to the people; we ask the people to act without organization, without law; and when they, or such part of them as will obey our call, have so acted, we pronounce the act valid, and the constitution of the State changed. You have the same right, sir, to set aside the regularly constituted authorities of Ohio, to pass by her constitution and her Legislature, and appeal to the people to change their organic law; and when the caucus which you have so called shall have met and changed it, you have the same right to recognise and hold it binding upon the State. The doctrine is monstrous, and of most mischievous tendency.

It has been said by the Senator from Tennessee [Mr. GRUNDY] that this is no party question. It is very true it ought not to be made one; so far as I have any feeling in the matter, it can only be thus far a party question. If the parties in this republic have resolved themselves into a constitutional and caucus party, I am of the party that goes for constitutions and constitutional government, against caucus and a government by caucus. And as this preamble goes directly to put down constitutional government, and put up in its place and legalize a government by caucus, I am opposed to it, and I belong to

a party every member of which, if true to his principles, must also oppose it.

When Mr. EWING had concluded,

Mr. BUCHANAN rose and addressed the Chair as follows:

Mr. President: Judging from the remarks of the Senator from South Carolina, [Mr. CALHOUN,] this would seem to be a question big with the fate of the constitution and the country. According to him, the adoption of the preamble to the bill admitting Michigan into the Union, as it was reported by the Committee on the Judiciary, would entail upon us evils as numerous and as deadly as those contained in Pandora's box, whilst hope would not even remain. After depicting in melancholy colors the cruel destiny of our country, should this precedent be established, he concludes by saying, that in such an event this Government would become "one of the most odious and despotic Governments that ever existed on the face of the earth."

I presume it is attributable to my colder temperament that I feel none of these terrors. In my opinion, they spring altogether from the Senator's ardent imagination and creative genius. Since I came into public life, I have known the country to be ruined at least twenty times, in the opinion of gentlemen; yet it would seem that the more we are thus ruined, the more we flourish. Experience has taught me to pay little attention to these doleful predictions.

The best answer which can be given to the Senator is to come at once to the question. To state it in its plain and simple character will at once dissipate every fear. Its decision will be attended with but little difficulty, because it involves no new principles; and as to its importance as a precedent, we shall probably never hear of it again, after the admission of Michigan into the Union.

What, then, is the question? On this subject our memories would seem to be strangely in fault. We cannot recollect from one session to the other. I wish to recall the attention of Senators to the fact. It was deemed of great importance at the last session to obtain the consent of Michigan to the settlement of the boundary between her and Ohio. To accomplish this purpose was then of so much consequence, in our opinion, that we offered to Michigan a large territory on her northern boundary, as a compensation for what she should yield to Ohio on the south; and we made her acceptance of this offer a condition precedent of her admission into the Union. We then believed, and I still believe, that this was the only mode of settling forever the disputed boundary between Ohio and Michigan, which has already involved us in so many difficulties, threatening bloodshed and civil war on that frontier. This was then deemed the only mode of obtaining an absolute relinquishment of all claim, on the part of the people of Michigan, to the territory in dispute with Ohio. It became my duty at the last session to investigate this subject thoroughly; and I had many conferences upon it with the then chairman of the Judiciary Committee, [Mr. CLAYTON]—a man of as clear a head and as honest a heart as ever adorned this chamber. I am happy to state that, although we concurred in opinion that Michigan had no right to this territory under the compact of 1787, yet we also believed that the only mode of putting the question at rest forever was to obtain her own solemn recognition of the right of Ohio. For this very purpose, the third section was inserted in the act of the last session, declaring "that, as a compliance with the fundamental condition of admission" into the Union, the boundaries of the State of Michigan, as we then established them, "shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required."

Shall we now, after Michigan has given this assent in the terms prescribed, release her from this obligation? Shall we now strike out the preamble by which we recognise the validity and binding effect of the assent given by the last convention of delegates, and thus throw the boundary question again open? Shall we undo all we have done with so much care at the last session, and admit Michigan into the Union as though we had never required from her any assent to this condition? I trust not. And here permit me to express my astonishment that the Senators from Ohio should both advocate this course. I have no right to judge for them, but it does seem to me they are willing to abandon the only security which we have against a repetition of the scenes which we have already witnessed on the frontiers of Ohio and Michigan.

To show that my fears are not vain, let me present the state in which this question will be placed, in case we do not adopt the preamble. I think I may assert, with perfect safety, that there are ninety-nine citizens of Michigan out of every hundred who firmly believe that the ordinance of 1787 fixes irrevocably the southern boundary of that State. If this were its correct construction, it will not be denied by any that no human power can change it without the consent of the people of Michigan. This ordinance, which is confirmed by the constitution of the United States, to use its own language, is a compact between the original States and the people and States in the said Territory, and must forever remain unalterable, unless by common consent. Hence the vast importance of obtaining the consent of Michigan to the proposed change in her boundary. The language of the ordinance under which she claims the disputed territory is as follows: "Provided, however, and it is further understood and declared, that the boundaries of these three States (Ohio, Indiana, and Illinois) shall be subject so far to be altered that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan." Michigan contends that Congress having determined to form two States north of this line, the ordinance makes it irrevocably her southern boundary. Some of the most distinguished men in the country, we know, are of this opinion. Can any Senator, therefore, believe for a moment that, if we now leave this question unsettled, it will never be tried by Michigan? Can we believe that she will acquiesce in a decision of Congress which a vast majority of her people believe to have been unjust? Release her from the assent which she has given to the settlement of this question, and then it remains as open as it ever was. The point, then, to be decided is, whether the ordinance does fix her southern boundary or not. Admitting it did, it is manifest that the act of Congress repealing it, and giving the territory in dispute to Ohio, would be a violation of its provisions, and thus become a dead letter. Yes, sir, the consent of Michigan is all-important to the peace and quiet of the Union; and now, when we have obtained it, shall we cast it away by rejecting this preamble? That is the question which I shall now proceed to discuss.

Why, then, should, we reject this preamble, which will forever terminate the dispute between these two States? Because, says the Senator from South Carolina, [Mr. CALHOUN,] this convention of delegates, elected by the people of Michigan, was not authorized by a previous act of their State Legislature, and therefore their proceedings are a nullity. It is revolutionary, it is dangerous in itself to our rights and liberties, and still more dangerous as a precedent for future cases. If this be true, the people of Michigan are in a most unfortunate position. At the last session of Congress, if we had attempted to insert in the bill a provision to make the

previous act of the Legislature necessary, it would then have been opposed as a revolutionary measure. It would have been demonstrated by Senators that the Legislature of Michigan was an unauthorized assembly, possessing no legitimate powers; that it was a body which we had never recognised; and, therefore, we could refer nothing to its decision. In making these assertions, I speak from the record.

It appears from the journals that, on the 26th of January last, the Vice President communicated to the Senate "the memorial of the Senate and House of Representatives of the State of Michigan," on the subject of their right to be admitted into the Union. On the motion of Mr. Hendricks, this memorial was referred, accompanied by a declaration "that the Senate regard the same in no other light than as the voluntary act of private individuals." Mr. Ruggles moved to strike out this declaration; and, on the yeas and nays, his motion was rejected by a vote of 30 to 12. Thus the Senate then solemnly determined that the Legislature of Michigan was a mere assembly of private individuals; and yet now we are told by the Senator from South Carolina, [Mr. CALHOUN,] that, because this very Legislature did not pass an act to authorize the holding of the convention, all its proceedings are void and revolutionary. How will he reconcile this inconsistency? Truly, the people of Michigan are in a deplorable condition. They cannot avoid the whirlpool of Scylla without being ingulfed in Charybdis. At the last session, their Legislature was a mere lawless assembly; but now they are so omnipotent that the sovereign people of the State cannot elect delegates to a convention without their previous authority. Let us proceed one step further with our evidence from the record. The bill for the admission of Michigan into the Union, when first reported by the committee, provided that the assent to the boundaries of the State, required by the third section, should be given by their Senators and Representative in Congress, and by the Legislature of the State. I speak from memory, but I feel confident I am correct. It would have been a vain attempt to support this provision in the face of the vote of the Senate to which I have referred. What, sir, refer to a body whom we had solemnly declared was composed merely of private individuals the question of assent to a condition for the purpose of binding the sovereign people of Michigan! This would have been as absurd as it was inconsistent. We should then have been told that there was no mode of escaping this difficulty but by at once dispensing with every intermediate agency, and referring the question directly to the original source of power, the people of Michigan in their primary capacity. This was done, and that, too, by a unanimous vote of the Senate. On the 1st of April last, Mr. Wright moved to strike out the provision to which I have referred, and to insert in its stead that the assent required should be given by "a convention of delegates elected by the people of the said State for the sole purpose of giving the assent herein required." Every Senator then in his place voted for this amendment, and by his vote decided that it was proper to submit the question to delegates elected by the people in their primary capacity. It was thus unanimously incorporated into the law.

How does the Senator from South Carolina [Mr. CALHOUN] now attempt to evade the force of this argument? He cannot contend that the act of Congress refers to any action of the State Legislature as being necessary to the call of this convention. If he did, the act itself would stare him full in the face.

[Mr. CALHOUN here explained. He said he would not here argue the question whether Congress meant to make a previous act of the State Legislature necessary; but if it did not, the act of Congress would itself be unconstitutional, because we had recognised Michigan as a State, and Congress have no right to call a convention in a State.]

Mr. BUCHANAN resumed. I did not misunderstand the Senator. He contended that the act of Congress calling such a convention was unconstitutional; and to establish his proposition he said that Congress, under the federal constitution, could only call a convention upon the application of the Legislatures of two thirds of the several States.

Does the Senator mean seriously to contend that the mere proposition made by Congress to the people of Michigan, for the purpose of obtaining their assent to a change of boundary, is a convention called under the authority of Congress within a State? Such an argument would be a perversion of terms. If you make propositions to any foreign Power, and suggest that their willingness to accept them may be ascertained by a convention of delegates elected by the people, how can this be construed into a convention called by your own sovereign authority? No, sir; this was a mere offer, on the part of the Government of the United States, to make a bargain with the people of Michigan. It presupposes a perfect equality, in this respect, between the parties. They had the same right to refuse that we had to offer. They may voluntarily consent to your terms, as they have done in this case, and then it becomes a contract which cannot afterwards be violated; but if they had dissented, the negotiation would have been at an end. This is what the Senator denominates a convention called by Congress within the limits of the State of Michigan. Surely no further argument on this point of the case can be necessary.

Congress might have proposed to Michigan that the question should be decided at the polls, by a vote of the people. It was better, however, to submit it to a convention of delegates, because they could deliberate. This was emphatically to be the act of the people in their sovereign capacity. It was a question whether they should be received as a member into our great family of nations upon the terms which we had proposed. It was to be the establishment of new political relations of the most important character, affecting them and their children for many generations. It was a question over which, under their own constitution, their servants, the members of the Legislature, had no control. To what other tribunal could we so properly have referred this question, as to that of a convention of delegates elected by the people?

There can, then, be no objection to the act of Congress, unless it be that the people are not competent, in the very nature of things, to give the assent required, without the intervention of the Legislature. But this would be to condemn the conduct of our ancestors. It would be at war with the most glorious events of our own history. Besides, the very conduct of the people of Michigan, upon this occasion, disproves the position. There was no tumultuous and lawless rising up of the people against a settled form of government, as one might suppose, judging from the arguments upon this floor.

They conducted the election with regularity and order, according to the established laws and usages of the State. Hear what General Williams, the president of the convention, says upon the subject, in his communication to the President of the United States: "The convention," says he, "originated through primary meetings of the citizens of the several counties, in ample time to afford notice to the whole State. Pursuant thereto, the elections, kept open for two days, on the 5th and 6th instant, (December,) have been held in all the counties except Monroe and Macomb. These elections were fair and open, and conducted in all respects as our other elections, and the returns made to the county boards, and canvassed as prescribed by the laws of the

late Territory of Michigan in similar cases. The result has been a decided expression of the voice of a majority of the people, approbatory of the resolution enclosed."

Is there any doubt of this "decided expression of the voice of the majority of the people?" Can any Senator upon this floor question it? Has there been a single memorial, or even a single private letter produced, calling it in question? Nay, more: has a single voice been raised in Michigan against entering the Union on the terms proposed? Not one, to our knowledge.

If it were necessary to place the claims of Michigan upon other grounds, it might be done with great force. Suppose we were to admit that their proceedings had been irregular, ought that to exclude her from the Union? On this subject we ought to act like statesmen acquainted with the history of our own country. We ought not to apply the rigid rules of abstract political science too rigorously to such cases. It has been our practice heretofore to treat our infant Territories with paternal care, to nurse them with kindness, and, when they had attained the age of manhood, to admit them into the family without requiring from them a rigid adherence to forms. The great questions to be decided are, do they contain a sufficient population? have they adopted a republican constitution? and are they willing to enter the Union upon the terms which we propose? If so, all the preliminary proceedings have been considered but mere forms, which we have waived in repeated instances. They are but the scaffolding of the building, which is of no further use after the edifice is complete. We have pursued this course in regard to Tennessee, to Arkansas, and even to Michigan. No Senator will pretend that their Territorial Legislatures had any right whatever to pass laws enabling the people to elect delegates to a convention for the purpose of forming a State constitution. It was an act of usurpation on their part. And yet we have in all these instances waived this objection, and approved the constitution thus formed. We have admitted Tennessee and Arkansas into the Union, notwithstanding this objection; and I trust we shall pursue a similar course towards Michigan, especially as there can be no doubt but that her people have assented to our terms of admission.

The case of Missouri was a very strong one. Congress agreed to admit her into the Union upon the condition that her Legislature should substantially change a provision in her constitution touching a very delicate subject. Under her constitution the Legislature had no power to make this change; nor could it have been effected without a long and troublesome process. But Congress cut the gordian knot at once, and agreed to accept the engagement of the Legislature as the voice of the people. We have never had any occasion to regret this disregard of forms.

The Senator from Ohio [Mr. EWING] has contended that the second Michigan convention had no power to assent, because the first convention which was held had refused.

[Here Mr. EWING dissented.]

Mr. B. I understood the Senator to state that, as the first convention had dissented, the power was spent, and a second could not be held.

[Mr. EWING said he had not touched this point.]

Mr. B. said, I should be glad if the Senator would restate his position.

[Mr. EWING said he had asked whether, if the first convention had assented to the condition proposed by the act of Congress, there would have been any objection to this assent, because it had been called by virtue of an act of the Legislature?]

Mr. B. said, certainly not. It never could have been contended that this act of the Legislature had vitiated unanimous vote, the measure which the Senator now the subsequent proceedings of the convention. Although it was not necessary to give them validity, yet it would not destroy them. It could neither make the case better nor worse. I am confident it might be demonstrated that the people of Michigan, under the act of Congress, had the power to make a second trial, upon a failure of the first; but as this point has not been contested by the Senator, I shall not enter upon its discussion.

I now come, Mr. President, to speak upon subjects concerning which I should gladly be silent. The internal concerns of the States should never be introduced upon this floor when it can be avoided; but the Senators from South Carolina [Mr. CALHOUN] and Ohio [Mr. MORRIS] have thought differently, and have rendered it necessary for me to make some observations in reply.

First, then, I would ask, what possible connexion can be imagined between the conduct of the Senatorial electors of Maryland, who refused to execute a trust for which they were elected, and that of the people of Michigan, who chose delegates to a convention upon the express invitation of an act of Congress? The Maryland electors refused to perform their duty under the State constitution; but the people of Michigan did give their assent to the condition which we had prescribed to them, and upon which alone they could enter the Union. There is as great a difference between the two cases as "between a hawk and a handsaw." Standing here as a Senator, I have no right to pronounce judgment upon the conduct of these electors. They are responsible to the people of the State of Maryland, not to me.

The other Maryland question, to which the Senator adverted, is one of a very different character. It involves the decision of the important principle whether, under a settled form of constitutional government, the people have a right to change that form in any other manner than the mode prescribed by the constitution. If I were to admit that they did not possess this power, still the Senator is as much of a revolutionist as myself. He admits that if the Legislature of Michigan had passed a law authorizing this convention, and fixing the time and place of its meeting, then its proceedings would have been regular and valid. But who gave the Legislature of Michigan this authority? Is it contained in the constitution of the State? That is not pretended. Whence, then, shall we derive it? How does the Senator escape from this difficulty? Upon his own principles, it would have been a legislative usurpation; and yet, he says, if the Legislature had acted first, the convention would have been held under competent authority.

Now, for my own part, I should not have objected to their action. It might have been convenient, it might have been proper, for them to have recommended a particular day for holding the election of delegates and for the meeting of the convention. But it is manifest that, as a source of power to the convention, legislative action would have been absurd. The constitution of Michigan fixes the boundaries of the State. For this purpose, it refers to the act of Congress of the 11th of January, 1805, establishing the Territory. How could these boundaries be changed? If in no other manner than that prescribed in the constitution of Michigan, it would have been a tedious and troublesome process, and would have delayed, for at least two years, the admission of the State into the Union. First, such an amendment must have been sanctioned by a majority of the Senate and House of Representatives. Then it must have been published for three months. Afterwards it must have received the approbation of two thirds of both Houses of a Legislature subsequently elected. And, after all these prerequisites, it must have been submitted to a vote of the people, for their ratification. It was to avoid these very difficulties that the Senate, at their last session, adopted, by a

unanimous vote the measure which the Senator now calls revolutionary, referred the decision of the question directly to the sovereign people of Michigan in their primary capacity. Then was the appropriate moment for the Senator to have objected to this course; that was the occasion on which to convince us that this was an unconstitutional and lawless proceeding. He suffered the precious moment to escape, and it is now too late to tell the people of Michigan that they shall be punished by an exclusion from the Union, because they thought proper to take us at our word. That would have been the time to have inserted an amendment in the bill requiring a previous act of the Legislature, prescribing the mode of electing the delegates. But the Senator was then silent upon this subject. There had then been no proceedings in Maryland, such as he now calls revolutionary. A word upon that subject. We are told in that sacred and venerated instrument which first proclaimed the rights of man to the world, that "all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." But suppose the case of a State whose constitution, originally good, had, from the lapse of time, and from the changes in the population of different portions of its territory, become unequal and unjust. Suppose this inequality and injustice to have gone to such an extent that the vital principle of representative republics was destroyed, and that the vote of a citizen in one county of the State was equivalent to that of six citizens in another county. Suppose that an equal disproportion existed between taxation and representation, and that, under the organic forms of the constitution, a minority could forever control the majority. Why, sir, even under such circumstances I should bear with patience whilst hope remained. I would solicit, I would urge the minority, I would appeal to their sense of justice, to call a convention, under the forms of the constitution, for the purpose of redressing the grievances; but if, at last, I found they had determined to turn a deaf ear to all my entreaties, I should then invoke the peaceable aid of the people, in their sovereign capacity, to remedy these evils. They are the source of all power; they are the rightful authors of all constitutions. They are not forever to be shackled by their own servants, and compelled to submit to evils such as I have described, by the refusal of their own Legislature to pass a law for holding a convention. Whoever denies this position, condemns the principles of the declaration of independence and of the American Revolution. There is not one of the old thirteen States whose Government was not called into existence upon these very principles. It is now too late in the day, in our favored land, to contend that the people cannot change their forms of government at pleasure. The glorious experiment which we are trying in this country would prove a total failure, if we should now decide that the people, in no situation, and under no circumstances, can hold a convention without the previous consent of their own Legislature. It is not my province to say whether the proper time for this peaceful action of the sovereign people, in their primary capacity, has yet arrived, or will ever arrive, in Maryland. That question may safely be left to them; but I feel no terrors, my fancy conjures up no spectres from such doctrines as I have advanced.

I am exceedingly sorry that another topic has been introduced into this debate by the Senator from Ohio, [Mr. MORRIS,] which, if possible, has still less connexion with the question before us than the recent conduct of the senatorial electors of Maryland. The Senate will at once perceive that I refer to the letter of Mr. Dallas on the subject of the repeal of the bank charter. I regret that this letter has become the subject of debate here. We are abundantly able to settle all our local differences in Pennsylvania, and we are justly jealous of foreign interference. This is not the proper forum in which either to argue or decide the Pennsylvania bank question; and I call upon the whole Senate to bear me witness, that nothing but necessity compels me to speak here of the subject. The letter of Mr. Dallas has been denounced by the Senator from Ohio as incendiary, as revolutionary, and as calculated to excite the people to rise up in rebellion against the laws. Would I not then be recreant to my own character if I should not raise my voice in defence of a distinguished citizen of my own State against such an unfounded assault?

The letter of Mr. Dallas has been much and greatly misrepresented. Garbled extracts from it have been published throughout the whole country, without the context; and innumerable false commentaries have attributed to him sentiments and opinions wholly at war with its general tenor. In speaking upon this subject, I am fully sensible how liable I am myself to misrepresentation; but I shall endeavor so plainly and clearly to present my views, that at least they cannot be misunderstood by any person present.

In the first place, then, Mr. Dallas never did assert that the convention about to be held in Pennsylvania will possess any power to violate the constitution of the United States. He never did maintain the proposition that this convention would be the final judge, and could decide, in the last resort, that its own decrees were no violation of that sacred instrument. Why, sir, such propositions would be rank nullification; and although I have never had the pleasure of being on intimate terms with Mr. Dallas, I can venture to assert that he, in common with the people of Pennsylvania, is opposed to this political heresy. For my own part, I can say, that however much I may admire the apostles of this new faith, their doctrines have never found favor in my eyes. No, sir; Mr. Dallas has expressly referred to the Supreme Court of the United States as the tribunal which must finally decide whether the convention possesses the power to repeal the bank charter.

From what we have heard on this floor, it is manifest that public opinion is greatly in error as to the principles of the anti-bank party in Pennsylvania. I profess to be a member of that party; and I now propose briefly to state their principles. If I should err in presenting theirs, I shall at least place my own beyond contradiction.

The constitution of the United States declares that "no State shall pass any law impairing the obligation of contracts." This is a most wise and salutary provision; may it be perpetual! It secures the private rights of every citizen, and renders private contracts inviolable. It imparts a sacred character to our titles to real estate, and it places the seal of absolute security upon the rights of private property.

Still the question remains, is a privilege granted by a State Legislature to a corporation, for banking purposes, a contract, within the spirit and intention of the constitution of the United States? In other words, is the authority which the Legislature of Pennsylvania has given to the Bank of the United States to create and circulate a paper currency of thirty-five millions of dollars, irrevocable by any human power short of an amendment to the federal constitution? My own convictions are clear that such an act of legislation is not a contract, under the constitution. It is true that this instrument speaks of "contracts" in general terms; but there is no rule of construction better settled than that of restraining the universality of general words, so as to confine their application to such cases as were exclusively within the intention of those by whom they were used. It would be useless to enumerate instances under this rule. Its existence will not be denied by any.

If, then, it can be made manifest that the framers of

the constitution, by the use of the word "contracts," never could have intended to embrace the creation of such a bank by a State Legislature, then the question is decided. It would be an easy task for me to prove, from the history of this provision, that its object was to secure rights arising from private contracts; and that a State bank charter was not within the contemplation of those by whom it was inserted. But I forbear. My sole purpose, at present, is to state general principles.

It never can be imagined that the sovereign States, who are the parties to the federal constitution, intended, by this prohibition, to restrain themselves from the exercise of those great and essential powers of government which vitally affect the general interests of the people, and the laws regulating which must vary with the ever-varying changes in society. If they have been guilty of this absurdity, they have acted the part of suicides, and have voluntarily deprived themselves of the power of rendering the people under their charge prosperous and happy.

I think, therefore, it may be stated as a general proposition, that the constitution of the United States, in prohibiting the Legislatures of the respective States from passing laws to impair the obligation of contracts, never intended to prevent the States from regulating, according to their sovereign will and pleasure, the administration of justice, their own internal commerce and trade, the assessment and collection of taxes, the regulation of the paper currency, and other general subjects of legislation. If this be true, it follows, as a necessary consequence, that if one Legislature should grant away any of these general powers, either to corporations or to individuals, such a grant may be resumed by their successors. Upon a contrary supposition, the legislative power might destroy itself, and transfer its most important functions forever to corporations. In these general principles I feel happy that I am sustained by the high authority of the late Chief Justice Marshall, in the celebrated Dartmouth College case.—4 Wheaton, pages 627, 628, 629, and 630.

I shall not consume the time of the Senate in reading the whole passage, but shall confine myself to the conclusion at which he arrives. He says: "If the act of incorporation [of Dartmouth College] be a grant of political power; if it create a civil institution to be employed in the administration of the Government; or if the funds of the college be public property; or if the State of New Hampshire, as a Government, be alone interested in its transactions, the subject is one in which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the constitution of the United States." He then proceeds to decide the case of Dartmouth College, on the principle that it is not a public, but a private eleemosynary corporation, and, therefore, within the prohibition contained in the constitution.

Here, then, the principle is distinctly recognised, that if a corporation created by a State Legislature "be a grant of political power, if it create a civil institution to be employed in the administration of the Government," then the charter may be altered or repealed at pleasure by the State Legislature. The distinct principle clearly deducible from this opinion, as well as from the nature of our Government, is, that contracts made by a State Legislature, whether with corporations or individuals, which transfer political power, and directly affect the general administration of Government, are not such contracts as the constitution intended to render inviolable. In other words, although these contracts may be within its general words, they are not within its intent and meaning. To declare that they were, would be to say that the people had surrendered their dearest rights into the keeping of the Legislature, to be bartered away forever at the pleasure of their own servants. This would be a doctrine utterly subversive of State rights and State sovereignty.

Let me now illustrate these principles by a few examples.

The judges of the supreme court of several of the States hold their offices under the State constitutions. They have abandoned the practice of a lucrative profession, and the State has entered into a solemn contract with them that they shall hold their offices during good behaviour, and receive a fixed annual compensation, which shall not be diminished during their term of office. Here is a solemn contract, founded on a valuable consideration; and yet, in all the changes which have been made in the constitutions of the different States, it has never, to my knowledge, been seriously contended that judges, under such circumstances, might not be removed, or have the tenure or salary of their office entirely changed. This has been done in repeated instances. And why? Because, although this be a contract, it is one not of a private, but of a public nature. It relates to the administration of justice, which is one of the most important concerns of Government; and the interest of the individual judge must yield to that of the whole community. It is, therefore, not a contract within the meaning of the constitution of the United States.

Again: suppose the Legislature of a State should create a joint stock company, with a capital of thirty-five millions of dollars, and grant them the exclusive privilege of purchasing and vending all the cotton, the flour, the iron, the coal, or any of the other great staples of the State which might seek a market in their commercial metropolis, will any Senator contend that such a charter would be irrevocable? Must the great agricultural and manufacturing interests of the State, which may have been thus sacrificed by the Legislature, remain palsied by such an odious monopoly? Certainly not. The next Legislature might repeal the obnoxious law; because it concerned not private interests and private property merely, but those great and leading interests which vitally affect the whole people of the State. No one can suppose that the constitution of the United States ever intended to consecrate such a charter.

Again: if the Legislature of a State should transfer to a corporation, or to an individual, for a period of years, the power of collecting State taxes, and thus constitute farmers-general of the revenue, as has been done in other countries, would not this be a contract, in the language of Chief Justice Marshall, creating "a civil institution to be employed in the administration of the Government," and therefore a "subject in which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the constitution of the United States?"

Let us proceed a step further. One of the most essential powers and duties of any modern Government is that of regulating the paper currency within its jurisdiction. This is emphatically the exercise of sovereignty, and is in its nature a high political power. It is scarcely second in importance to the power of coining money; because the paper circulation represents the current coin. This power is now exclusively possessed by the State Legislatures, whether rightfully, or not, it is too late to inquire. By means of its exercise, they can raise or they can sink the value of every man's property in the community. They can make the man who was poor yesterday, rich to day. They can elevate or depress the price of the necessaries of life and the wages of labor, according to their pleasure. By creating a redundant currency, they may depreciate the value of money to such a degree as to ruin our manufactures, depress our agriculture, and involve our people in rash and demoralizing speculations.

What use have these Legislatures made of this sovereign power? They have transferred it to a thousand State banks; they have yielded up all control over it; and, if the doctrine now contended for be correct, these banks cannot be disturbed in the exercise of this attribute of sovereign power by any human authority. They hold it under the sacred shield of the constitution of the United States. It is now deemed a matter of immense importance to restrain the issue of small notes, and substitute a specie circulation in their stead. But the banks can laugh you to scorn. The whole power of Congress, and that of all the Legislatures of all the twenty-six States of this vast Union, cannot prohibit the circulation of notes of a less denomination than five dollars. If this be the case, did ever so great an absurdity exist upon the face of the earth, under the Government of any people? Congress have, by some means or other, lost the control over the paper currency of the country. The States, to whom it belongs, have granted it to a thousand banking corporations; and, although the people of the States may change and modify their fundamental institutions at pleasure, yet this banking power remains unhurt amidst the general wreck. If this be true, the people of the United States are completely at the mercy of these institutions. The creature will give laws to the creator. But here the great and wise judge, and expounder of the constitution, interposes for our relief. He declares that, "if the act of incorporation be a grant of political power, the subject is one in which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the constitution of the United States." Who doubts but that the power to regulate the paper currency of a country is, in its very nature, a political power?

From what I have said, the Senate will perceive that there is no foundation whatever for the panic which has been excited lest the State might resume its grants of land, might violate the rights of private property, or take what belongs to one man, and give it to another. The prohibition contained in the constitution of the United States clearly embraces these cases.

It is not my intention here to discuss either the merits or demerits of the Bank of the United States, as rechartered by Pennsylvania. In my opinion, a large majority of the people of that State, and myself among the number, believe that the creation of this vast moneyed monopoly, with the privilege of issuing bank paper to the amount of thirty-five millions of dollars, is dangerous to our liberties and to our dearest interests. We desire to try the question before the supreme judicial tribunal of the land, whether its charter is protected by the constitution of the United States. It will be admitted by all that a more important question has never been presented for adjudication before any court. By what means, then, can we raise this question for decision? We must submit in silence, or the charter must be repealed either by the Legislature or the approaching convention. There is no other alternative. And because we are anxious to have this question decided, by the only means in our power, a deafening clamor has been raised against us, that we are revolutionists, radicals, violators of vested rights, and every thing else which is calculated to alarm the people. We wish to ascertain the truth of that which is taken for granted by our adversaries, whether the charter is a vested right, protected by the constitution of the United States, or not. This is the whole front of our offending. Is this not just, is it not reasonable, is it any thing but a fair appeal to the laws of the land?

Different opinions exist in Pennsylvania as to whether this repeal should be effected by the Legislature or the convention. For my own part, I decidedly prefer the latter, if it can be accomplished. The convention will possess no power but merely that of proposing amendments to the people, for their adoption or rejection. They can place this question before the electors distinctly, and detached from all other amendments. Each citizen, at the polls, will thus be enabled to vote upon the single question, bank or no bank. This is due to the bank, as well as to the people. I need scarcely add that no citizen of Pennsylvania with whom I have ever conversed upon the subject entertains a doubt of the propriety and justice of refunding the bonus which the bank may have paid, with interest and damages sufficient to place it in the very same situation it was when it received its charter. This might properly be made a constituent part of the question to be submitted to the people.

These desirable objects could not be secured by means of a repeal by the Legislature. So many questions, both of a political and local character, influence the election of its members, that the friends of the bank might complain that the people had not sanctioned the repeal. I would, therefore, be sorry if necessity should compel us to adopt this alternative as the only means left of trying the question.

Again: should the bank appeal from the decision of the people of Pennsylvania in their sovereign capacity, to the Supreme Court of the United States, the question will be presented before that tribunal in a more solemn and imposing form than if the repeal should be accomplished by an ordinary act of legislation. The people of the State of Pennsylvania, complaining that their legislative servants had despoiled them of one of the highest attributes of an independent Commonwealth, and had bartered away, for a period of thirty years, the political power which they enjoyed of regulating the paper currency within their own limits, would then be the party on the one side; and on the other, the Bank of the United States, contending that the transfer of this power has been irrevocably made to it, under the sanction of the constitution of the United States. Of the result I entertain not the slightest apprehension. Should it, however, be adverse, which Heaven forbid! I can tell the Senator from South Carolina [Mr. CALHOUN] that we shall never resort to nullification as the rightful remedy.

Thus, sir, I have been drawn into a discussion utterly repugnant to my own feelings. I hope I may never again have occasion to allude to the subject on this floor. It is entirely foreign from the question in debate. Nothing could have urged me to make the remarks which I have done, but the unwarranted attack of the Senator from Ohio [Mr. MORRIS] upon the party at home with which I am proud to act.

Mr. BENTON followed the Senator from Pennsylvania, [Mr. BUCHANAN,] and said he had risen for what might seem to be a very unnecessary purpose, that of sustaining the positions of that Senator. This certainly looked like a work of supererogation, seeing the able, perspicuous, and powerful manner in which that gentleman had sustained himself; and if he (Mr. B.) had nothing but argument to offer, he should not tender his aid; for the argument just delivered required no aid of that kind. But his aid was of another kind, that of authority and precedent, drawn from the venerable authority of our early history, and from the writings and opinions of the fathers of the republic, and from the approved action of State Legislatures. In this former he held himself excusable in tendering his aid, and should limit himself almost entirely to the production of the authorities to which he had reference. But before he did this, he must take leave to express his deep regret at the course followed yesterday by the Senators from South Carolina and Ohio, [Mr. CALHOUN and Mr. MORRIS,] in bringing the names of Pennsylvania and Maryland into this discussion, and in animadverting upon the conduct of citizens or parties in those States. He joined the Senator from Pennsylvania [Mr. BUCHANAN] in the expression of his

deep regret at this course; and, like him, should avoid recrimination, and should limit himself to defensive observations in favor of those who were assailed, without impugning the conduct or motives of their adversaries in their own States.

Mr. B. did not consider the Senate of the United States as a suitable place for the denunciation of the citizens of the States, nor for the discussion of State measures, State parties, or State politics. The high privileges of debate secured to us by the constitution, and the latitude of discussion allowed by our rules, were intended to protect us in the discussion of national measures, and in the investigation of those subjects and matters which regularly came before us, and necessarily required our action. Acting on this conception of his duty, he should follow the example of the Senator from Pennsylvania, [Mr. BUCHANAN.] He should abstain from all animadversion, or even expression of adverse opinion, upon the measures which agitate the States of Pennsylvania and Maryland. He should limit himself to some defence of those who were so unexpectedly dragged into this debate yesterday, and should endeavor to get rid of the whole subject as soon as possible. For one, he should endeavor to finish at this sitting, in order that it should not be known in Pennsylvania and Maryland that the Senate of the United States was engaged in discussing their affairs, until it was also known that that discussion was terminated.

Nominally, and upon the record, said Mr. B., this is a Michigan question—a question to admit the State of Michigan into the Union; in fact and in substance, it is now converted into a Pennsylvania and a Maryland question, to arrest or paralyze the proceedings against the United States Bank charter in the former, and to arrest or paralyze the proceedings in favor of a convention in the latter. This is the form given to it yesterday by the movement of the Senators from South Carolina and Ohio, [Mr. CALHOUN and Mr. MORRIS;] so that little Michigan, which had seemed to be the subject of discussion before the Senate, was suddenly found to be nothing but the tail to the kite, dangling in the air below, while all eyes were fixed upon the imposing apparition of the two Atlantic States, rising and hovering above. In this way, the young Michigan was suddenly eclipsed and lost sight of; and the lawless and revolutionary movement, as it was styled, in Pennsylvania, against the sanctity of a certain charter, and the lawless and revolutionary movement, as it was stigmatized, in Maryland, in favor of a convention of the people, became the engrossing theme of denunciation and vituperation. Greatly did Mr. B. rejoice that the Senator from Pennsylvania [Mr. BUCHANAN] had followed no part of this unhappy example; that he had carefully eschewed all animadversion; that he had positively refused to take any part, or to have any share, in discussing State measures here; and had confined himself to the duties of defence imposed upon him by the novel and aggressive course pursued by others. That Senator's first care was to defend a gentleman of his own State, Mr. Dallas, who had been assailed here by name; and in that he had so acted as to effect what he (Mr. B.) had thought to be impossible: he had increased his high character for private worth, and had added to the exalted opinion entertained of the goodness of his heart; for this generous defence was volunteered in favor of one with whom it was not his fortune to be on terms of intimacy. He showed the injustice done to that gentleman by attributing to his letter meanings which did not belong to it, and drawing inferences as foreign to his character as they were to his writing. He (Mr. B.) had read that letter, but not since it had been the subject of animadversion; and it might be that his knowledge of the amiable character, purity of heart and purpose, and modesty of deportment of the writer, had prevented him from so scanning his words as to be able to find the deep mischief which they concealed; for certainly he had not seen the anarchical spirit attributed to it. In many things he agreed with him, especially in that which related to vested rights; in some things he did not; but where he did not agree, it was still the disagreement which left unimpeached the high character for public and private worth which Mr. Dallas brought with him, as a Senator from Pennsylvania, to this chamber, and carried back with him from this chamber to Pennsylvania.

Mr. B. then referred to Mr. Madison's writings, No. 44 of the Federalist, to sustain the opinion of the Senator from Pennsylvania, [Mr. BUCHANAN,] on the nature of the contracts which the clause in the constitution of the United States was intended to guard. He said it would be seen that Mr. Madison confined this clause entirely to private rights and personal security; and that not a word of what he said could be extended to chartered privileges, the granting of which had been twice refused in the convention which framed the constitution, and the preservation of which, therefore, could not come within the meaning of that instrument. Remarking upon the clause in the constitution which prohibits the States, among other things, from passing any law impairing the obligations of contracts, Mr. M. says:

"Very properly, therefore, have the convention added this constitutional bulwark in favor of personal security and private rights; and I am much deceived if they have not, in so doing, as faithfully consulted the genuine sentiments as the undoubted interests of their constituents. The sober people of America are weary of the fluctuating policy which has directed the public councils. They have seen, with regret and indignation, that sudden changes and legislative interferences, in cases affecting personal rights, become jobs in the hands of enterprising and influential speculators, and snares to the more industrious and less informed part of the community."

With this exposition from Mr. Madison, Mr. B. would submit that chartered privileges, although they might be sold for money, constitute no part of the contracts the inviolability of which are guarantied by the constitution of the United States; and while this is plain upon the face of the words used in the Federalist, namely, "private rights," "personal rights," "personal security," it is still further confirmed by the words which follow, and which show that the clause, so far from being intended to secure enterprising jobbers and influential speculators in their ill-gotten advantages, was really intended to protect the industrious and less informed part of the community against their legislative machinations. Finally, and in full proof, that the clause could have no relation to incorporations and bank charters is proved by the fact that the federal convention which framed the constitution twice refused to grant the incorporating power to Congress, and consequently cannot be construed to protect the existence of a thing which it twice refused to create.

Mr. B. said this was the exposition of one of the fathers of the constitution, made before that instrument was adopted by the States. There had been many expositions of it since, both legislative and judicial, and out of the multitude Mr. B. would select one which, in all the essentials of time, place, subject, actors, and action, would claim a pre-eminent and omnipotent voice in this Pennsylvania question, so unexpectedly thrust in upon us here, and so vehemently plead on this floor in behalf of a certain bank, against the legislative and conventional power of the State. Mr. B. then sent to the Secretary's table a volume of the statutes of Kentucky for the year 1820, and requested that the Secretary should read an act which he pointed out to him. The Secretary read:

"An act to repeal the act entitled 'An act establishing independent banks in this Commonwealth,' and an act supplemental thereto." Approved, February 10, 1820.

"PREAMBLE.—Whereas, in the tenth article of the constitution of Kentucky, it is declared: First, that all freemen, when they form a social compact, are equal; and that no man or set of men are entitled to exclusive, separate, public emoluments or privileges from the community, but in consideration of public services: And, secondly, that all power is inherent in the people, and all free Governments are founded on their authority, and instituted for their peace, safety, and happiness. And whereas it is self-evident, according to those fundamental principles of government, that all laws which grant to a few the power to oppress the many are tyrannical in their nature, and adverse to the primitive rights of the people; and, therefore, repealable by the supreme authority. To say that a sale of the primitive rights of the people, by the Legislature, is to be perpetual, and unalterable, because there is a contract in the case, is to declare that error, and abuse of power, may consecrate themselves. Fraud vitiates all contracts. To effect the intention of the parties is the object of all laws regulating contracts. That a privilege granted shall be used for the destruction, or even to the disadvantage, of those who granted, never could be the intention of the parties. All legislative power is derivative—proceeds from the people, and is to be used for their prosperity and happiness only; consequently, all laws of a contrary tendency violate the intention of the social compact, and are subject, upon first principles, to the condition of being repealed, whether the evil springs from the nature of the privilege granted, or contract entered into, or from the abuse of either. A bank charter, from its nature, extends and necessarily confines the powers and privileges granted to a few, to the exclusion of the many. It therefore follows, as an unavoidable conclusion, that if the power and privileges granted in a bank charter operate against the public good, the people, by their Legislature, have the primitive right to revoke such a charter. To the end, therefore, that the good people of this State be delivered in future from the baneful effects of the power and privileges granted by the law establishing independent banks, which have been exercised in many instances, in the plenitude of tyranny, oppression, and abuse, to the great injury of the good people of this State."

When the Secretary had read to the end of the preamble, he paused and inquired whether the reading of the act itself was desired. Mr. B. answered, by all means. The preamble is good, and the act is better. It shows how the republicans of Kentucky dispose of vested rights in chartered privileges, and bonus contracts for oppressing a State with banks, and how compendiously they teach presidents and directors of banks to submit to the laws of the land, or to take the fines and forfeitures which resistance to the laws imposes upon insurgent and refractory spirits. It presents an authority and example which the friends of the Bank of the United States are bound to respect, and which may require all their ingenuity to answer, on this floor or elsewhere.

The Secretary then read the act:

"SEC. 1st.—*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all power, right, or privilege, granted to the corporations established by an act entitled 'An act establishing independent banks in this Commonwealth,' approved January 26th, 1818, and an act entitled 'An act supplemental to the act establishing independent banks in this Commonwealth,' approved February 3d, 1818, to deal and trade in discounts, bills of exchange, or current money, or to issue notes or bills of credit, payable to bearer or otherwise, shall be, and the same are hereby, repealed and revoked, from and after the first day of May next; and all other powers, rights, and privileges, granted to said corporations in said recited acts, are hereby repealed and revoked from and after the first day of January, 1823.

"SEC. 2d.—*Be it further enacted*, That any person or persons who may act as a president, director, or any other officer of any independent bank in this State, contrary to the provisions of this act, shall be subject to all the penalties, fines, and forfeitures, imposed by an act entitled 'An act to suppress private associations for the purpose of banking,' approved February 8th, 1812; which penalties, fines, and forfeitures, may and shall be imposed, recovered, collected, and distributed, according to the provisions of the said last-recited act.

"SEC. 3d.—*Be it further enacted*, That the bonus required from the independent banks, for the privilege of banking for the year 1820, shall be, and the same is hereby, remitted.

"SEC. 4th.—*Be it further enacted*, That so much of the act to incorporate Saunders's Manufacturing Company, which passed the 31st of January, 1818, and the supplemental act thereto, approved February 3d, 1818, which gives the said company banking privileges, shall be, and the same is hereby, repealed; and the second section of this act is hereby made applicable to the persons who may have the management of the said manufacturing institution."

Mr. B. said that this preamble and act, taken together, were both the declaration and the action of the Legislature of one of the principal States in the Union—a State fertile in many ways, and in none more so than in the production of able and patriotic men. A Legislature of that State, in our own day, and in our own time, and composed of many persons now living and acting, swept off a litter of banks at one blow, with the banking privileges of Lewis Saunders's cotton bagging factory to boot, even after they had been two years in operation, maugre all their cries about the bonus and the contract, and did so, not by virtue of reserved powers in charters, but by virtue of inherent and unalienable rights in the body politic. Mr. B. said he was cotemporary with this great act—this magna charta of the Kentucky Legislature. He remembered its passage, and the satisfaction which it gave to the State, and to the surrounding States, and to the whole Union. He remembered more: and that was the applause then bestowed upon this act of the Kentucky Legislature by presses, periodicals, newspapers, and registers, which are now foremost in denouncing citizens of Pennsylvania for proposing to imitate it in a case where alien foreigners, more than native citizens, are concerned, and where the reasons for acting are many ten thousand times greater than in the case of the independent banks, and Lewis Saunders's banking cotton-bagging factory. He recollected also that the doctrine of vested rights was then invoked by the stockholders in the hecatomb of banks which were subjected to the edge of the sacrificial knife; and that their invocation shared the same fate which the claim of the midnight judges of 1800 suffered when they claimed their seats and salaries as vested rights; the same fate which the tenants in tail and some of the eldest sons suffered, about the time of our Revolution, when entails were abolished, and the insolent prerogative of primogeniture, as Mr. Gibbon called it, was suppressed by law; the same fate which the friends of feudal rights suffered in France in 1789, when Lafayette moved, in the Assembly of Notables, the entire suppression of all those rights; the same fate which a clergy, loaded with property of this world, suffered in England, when all the statutes called *mortmain* were passed. In all these cases, as well as in the case of the independent banks, and Mr. Saunders's bag-factory bank, and the present United

States Bank of Pennsylvania, the plea of vested rights was pressed into the service; but it happened to be addressed to those who could discriminate between the rights of property, which the public good requires to be held sacred and inviolate, and the pretensions of privilege which the same public good requires to be examined and controlled. The arguments now set up against the repealability of chartered privileges is nothing but the same plea set up in all ages, and in all countries, in favor of similar privileges; and Mr. B. must be allowed to say that there is no comparison between the style and composition of those arguments, as used in England and France, and also in the United States, on former occasions, and as used here now. The advocates for vested rights, that is, chartered privileges, in these days, do little more than shout; or, at best, indite a paragraph, pert and flippant, coarse and trite, or heavy and dull; whereas the old advocates composed elegant and scholar-like dissertations; and he would advise their followers, in these days, to hunt up their speeches and essays, and copy their style, and at least give us bad doctrines in good language.

Mr. B., with as much reluctance as he had felt in adverting to Pennsylvania affairs, must now advert to the Maryland branch of this question. It seems that there is a movement in Maryland to organize a convention, by the inherent and unalienable rights of the people, and, without a legislative act, to alter and change the constitution of the State. The convention held in Michigan is one of this kind, and, therefore, the recognition of an act done by that convention is resisted on this floor, by the friends of the anti-convention party in Maryland, for fear it may operate in favor of the convention party in that State. This is the way that Maryland politics are lugged into this debate, and made part of this discussion. Mr. B. said he had often seen gentlemen argue one question with an eye to another, but, usually, with the delicacy of not lugging in, by name, this other question, which had no place upon the record. But this delicacy has not been observed upon this occasion. Michigan alone is in the record before us; yet Pennsylvania has been dragged in by name; Maryland has been dragged in by name; and not only dragged in, but made the principal subject of debate, and the most furious denunciations levelled at a portion of their citizens. The advocates for the Maryland convention are, not incidentally and by way of inuendo, lashed and scourged here while lashing and scourging the Michigan convention, but they are singled out, seized upon, and dragged forcibly and violently into this chamber; and then denounced in such style that, no doubt, the question of the Maryland convention is considered as completely crushed by the force which assails it here. Be it so, said Mr. B., if the people of sovereign States are willing to have their affairs governed by denunciation here. It will certainly be a one-sided game on this floor; for it was manifest that there was one party at least here who would not attack the impending measures of any State, nor attack the conduct or motives of the citizens of any State, in acting as they pleased on what concerned themselves; there was one party, at least, here, who would limit themselves to the just defence of the absent and the assailed. The Maryland convention party, then, is arraigned and condemned here for proposing to do what Michigan has done, and the act of Michigan must be stamped with reprobation by Congress, lest it become a precedent, sanctioned by the approbation of Congress, for the justification of the convention party in Maryland. This is the state of the question before us; and Mr. B. would immediately proceed to vindicate, not by an argument of his own, but by example, authority, and precedent, drawn from our early history, and from the writings of the founders of the republic, and others which claimed respect, the act which Michigan has done, and which a party in Maryland proposes to do. Mr. B. then read and commented briefly upon several passages from the writings of Mr. Madison, Judge Wilson, of Pennsylvania, General Hamilton, and Judge Story, in his Commentaries on the Constitution. Mr. Madison, speaking of the alleged defect of powers in the convention of 1787, which formed the federal constitution, says:

"They (the members of the convention) must have reflected that, in all great changes of established Governments, forms ought to give way to substance; that a rigid adherence, in such cases, to the former, would render nominal and nugatory the transcendent and precious right of the people to 'abolish or alter this Government, as to them shall seem most likely to effect their safety and happiness,' since it is impossible for the people spontaneously and universally to move in concert towards their object, and it is therefore essential that such changes be instituted by some informal and unauthorized propositions, made by some patriotic and respectable citizen, or number of citizens. They must have recollected that it was by this irregular and assumed privilege of proposing to the people plans for their safety and happiness, that the States were first united against the danger with which they were threatened by their ancient Government; that committees and Congresses were formed for concentrating their efforts, and defending their rights, and that conventions were elected in the several States for establishing the constitutions under which they are now governed. Nor could it have been forgotten that no little ill-timed scruples, no zeal for adhering to ordinary forms, were any where seen, except in those who wished to indulge, under these masks, their secret enmity to the substance contended for."—*Federalist, No.* 40.

Here (said Mr. B.) the authority of the people, in their original sovereign capacity, to abolish, alter, and change, their form of government, is fully and expressly set forth. The want of legislative authority to guide or direct them is directly waived; and some patriotic and respectable citizen or citizens are looked to, to commence the informal and unauthorized propositions which are to lead to a convention, and to end in the adoption of fundamental changes.

Such citizens are not considered by Mr. Madison as anarchists, disorganizers, disturbers of the peace, despoilers of property, &c., but as public benefactors, prompted by patriotism to take the lead in a work of public good and necessity. Mr. B. particularly noted, and read twice over, the concluding sentence of this extract from Mr. Madison. He said that Mr. M^r^ was one of the most careful men in abstaining from personalities and the imputation of motives; but here was a keen cut, and a home thrust, at the old tories of the Revolution—King George the Third's men, the conservatives of fifty years ago, who were indulging their secret enmity to the real rights of the people, under the mask of zeal for adhering to forms, and conscientious scruples against acting without authority. Mr. B. continued his readings:

Extracts from the works of James Wilson, of Pennsylvania, formerly Associate Justice of the Supreme Court of the United States.

"Permit me to mention one great principle, the vital principle I may well call it, which diffuses animation and vigor through all the others. The principle I mean is this: that the supreme or sovereign power of the society resides in the citizens at large; and that, therefore, they always retain the right of abolishing, altering, or amending, this constitution, at whatever time and in whatever manner they shall deem it expedient."—*Vol.* 1, *page* 17.

"Why should we not teach our children those princi-

ples upon which we ourselves have thought and acted? Ought we to instil into their tender minds a theory, especially if unfounded, which is contradictory to our own practice, built on the most solid foundation? Why should we reduce them to the cruel dilemma of condemning either those principles they have been taught to believe, or those persons whom they have been taught to revere?"—*Vol.* 1, *page* 20.

"As to the people, however, in whom the sovereign power resides: from their authority the constitution originates; for their safety and felicity it is established: in their hands it is as clay in the hands of the potter; they have the right to mould, to preserve, to improve, to refine, and to finish it as they please. If so, can it be doubted that they have the right likewise to change it?—*Vol.* 1, *page* 418.

General Hamilton, vindicating the convention of 1787, which omitted to prefix to the federal constitution a bill of rights, says:

"It is evident, therefore, according to this (bill of rights) primitive signification, they have no application to constitutions professedly founded upon the power of the people, and executed by their immediate representatives and servants. Here, in strictness, the people surrender nothing; and, as they retain every thing, they have no need of particular reservations."—*Federalist, No.* 84.

Judge Story, speaking of the declaration of independence, says:

"It was not an act done by the State Governments then organized, nor by persons chosen by them. It was emphatically the act of the whole people of the united colonies, by the instrumentality of their representatives, chosen for that, among other purposes. It was an act not competent to the State Governments, or any of them, as organized under their charters, to adopt. Those charters neither contemplated the case, nor provided for it. It was an act of original, inherent sovereignty by the people themselves, resulting from their right to change the form of Government, and to institute a new Government, whenever necessary for their safety and happiness."—*Story's Commentaries on the Constitution, vol.* 1, *page* 198.

Judge Story, commenting on the origin and proceedings of the convention which formed the first General Government for the colonies, says:

"In some of the Legislatures of the colonies, which were then in session, delegates were appointed by the popular or representative branch; and in other cases they were appointed by conventions of the people in the colonies. The convention of delegates assembled on the 4th of September, 1774; and, having chosen officers, they adopted certain fundamental rules for their proceedings.

"Thus was organized, under the auspices and with the consent of the people, acting directly in their primary, sovereign capacity, and without the intervention of the functionaries to whom the ordinary powers of Government were delegated in the colonies, the first General or National Government.

"The Congress thus assembled exercised, *de facto*, and *de jure*, a sovereign authority, not as the delegated agents of the Government *de facto* of the colonies, but in virtue of original powers derived from the people."—*Story's Commentaries on the Constitution, vol.* 1, *pp.* 185, 186.

Having read these extracts, Mr. B. forbore to make any comments upon them, barely remarking that they were purposely taken from different political schools, to show that those who differed fundamentally on so many points, yet agreed perfectly on this most fundamental of all points, namely, the inherent and unalienable right of the people to meet in convention of their own mere will and motion, and change their form of government at their pleasure. He would next show that this great right was acted upon in the formation of the present constitution of the United States, and that this constitution owes all its force to the voluntary action of conventions springing from the people, not under the authority, but merely under the recommendation of the State Legislatures. Premising, what every person knew, that the deputies to the federal convention of 1787 were appointed to revise the articles of confederation, and not to frame a new Government, Mr. B. proceeded to read the first resolution of the convention, in communicating their work to the Congress of the confederation, and requesting the Congress to lay it before the State Legislatures, with a request that they would recommend it to the adoption of the people of the States in their conventions. He read:

"*Resolved*, That the preceding constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention that it should afterwards be submitted to the convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification," &c.

Here, said Mr. B., this great convention of 1787, knowing that they had no power to give or grant a constitution to the people of the States, merely express their opinion that it ought to be submitted to them; and, knowing that the State Legislatures had no authority to order conventions, they merely requested that they would recommend them; and knowing, further, that the sovereign power was in the people, they used the word *people* in preference to that of citizens, qualified voters, freeholders, tax-payers, or any thing else which might imply a convention not springing from the sovereign power of the people, but governed by existing laws and constitutions.

Mr. B. then traced the mode of acting under this recommendation by the States, and took the convention of Virginia as the one which would perhaps be admitted to be of the highest authority in this case. He showed that the General Assembly of Virginia first passed a "resolution," by which they "recommended" the people to hold a convention, and next passed an act "concerning" the convention, and providing for its accommodation, but assuming no authority over it. He then referred to the proceedings of the convention, to show that they had met according to the recommendation of the General Assembly, and that they decided the important questions connected with the qualifications and elections of the delegates according to what was satisfactory to themselves, as acting in their sovereign representative capacity, and not as according to the laws and constitution of the State, as if created by their authority. The history of their proceedings opens thus:

"In convention, Monday, the 2d of June, 1788. This being the day recommended by the Legislature for the meeting of the convention, to take into consideration the proposed plan of the Federal Government, a majority of the gentlemen delegated thereto assembled at the public buildings in Richmond," &c.

The first act of the convention, after organizing itself, was to appoint a committee of privileges and elections; and a most numerous, talented, and important committee it was. It consisted of twenty-eight members, among whom were the first names of Virginia and of America: Benjamin Harrison, Patrick Henry, George Mason, Governor Randolph, John Marshall, James Monroe, James Madison, George Nicholas, Paul Carrington, and others scarcely less distinguished. The business of this committee was to pass upon the validity of the elections, and to decide between contending parties for the same seat; and the words in which they make their reports, the evidence which they received in contested cases, and the disregard with which they passed over legal and constitu-

tional qualifications, all proved that the convention judged for themselves, in their high capacity of representatives of the sovereign people, and independently of the laws and constitution of Virginia. The words used with respect to the returns of delegates are, not that they are found duly elected, or legally elected, but that they are "satisfactory;" the evidence received where certificates of election were not produced, were statements of citizens who said they were at the election, and heard the sheriff proclaim such and such candidates elected; and, in the case of qualification, where a petition was presented to vacate the seat of a delegate because he was not a freeholder within the Commonwealth of Virginia, the report was that the petition be rejected. All these reports of the committee on privileges and elections, Mr. B. said, were confirmed by the convention, and the tenor of their whole proceedings shows that they were acting in the high capacity of representing the sovereignty of the people, and did what was satisfactory to themselves, and not what might be conformable to the laws and constitution of Virginia. In fact, said Mr. B., the mere composition of every convention proves that they are independent of the laws and constitution of the State, for judges, Governors, and all officers of the State or Federal Government, may be members.

Mr. B. having shown, from the opinions of the most eminent men, and from examples of the highest character, that conventions were independent of State legislation, demanded how it was that State Legislatures assumed to have power to grant or withhold them? He wished to see their grant for the exercise of this authority? He wished to see how it was that they who were servants, and dressed up in a little brief authority, undertook to govern and direct the people in the exercise of an inherent and unalienable right? They could not get this authority from the people, for it assumed a supremacy over the people. There was but one way to deduce their title, and that was through divine right! and by the grace of God! Any thing short of this acknowledges the sovereignty of the people, and puts an end to the pretension; so that a Legislature which should now assume to authorize the people to hold a convention, if put to a derivation of their own authority, would have to adopt the style of those Kings of Europe who hold that God has put the people into their care, and endowed them with all authority for their protection and preservation. A legislative advice, counsel, or recommendation to the people to hold a convention, and an appropriation of money to defray its expenses, is certainly a convenience, but it is not a prerequisite; and conventions to change the form of government may be held by the people when they please; taking care to submit their work to a direct vote of the people themselves, or to a new convention elected for the express purpose of approval or rejection, as was done in the case of the constitution of the United States; and thus making sure of the approbation of a majority of the people before the new constitution is put in force.

Mr. B. had now finished his view of this question, and would make a brief application of the whole to the case of Michigan. The people there had held a convention, by their own power, to accept a fundamental condition of their admission into the Union. They have accepted the condition; and the objection is, that the convention was a lawless and revolutionary mob, and that law ought to be made to suppress and punish such assemblages in future. Mr. B. would hold a proposition for such a law to be the quintessence not of European, but of Asiatic despotism; and sure he was, it would receive no countenance by the vote of this chamber. In saying this, he spoke upon a recollection of the past, as well as upon a view of the present. At the last session of Congress all this denunciation of lawless and revolutionary mobs had been lavished upon the convention both of Arkansas and Michigan, because, being Territories, they had held conventions, and framed constitutions, without the authority of Congress. Our answers to these denunciations were the same that we give now, namely: 1. That they had a right to do so without our authority, and all that we could require was, that they should send us their constitutions, that we might see they were republican; and, 2. That these Territories had several times applied to Congress for an act to regulate the holding of their conventions, which were always refused by the political party which then held the supremacy in this chamber; and that to refuse them an act to regulate the holding of a convention, when they asked for it, and then to denounce them for holding a convention without law, was unreasonable and contradictory, and subjected ourselves to the reproach both of injustice and inconsistency. These were our answers then; and we added, that those who denounced the Arkansas and Michigan conventions for lawless and revolutionary mobs, would find themselves unsupported by the vote of the Senate; which turned out to be the fact, for the negative vote was exceedingly small; and Mr. B. would add, that the result would be the same now; and that, after all this denunciation of the convention in Michigan, the convention party in Maryland, and the disorganizing party in Pennsylvania, the vote would be about as it was at the last session, exceedingly small, and entirely too inconsiderable to give any countenance to their denunciations.

Mr. B. concluded by expressing the hope that the Senate would not adjourn until it finished this question. It was due to Pennsylvania and Maryland that we should stop a debate in which their concerns were improperly introduced; and it was due to Michigan herself that she should be relieved from this attendance at our doors. She has been debarred of her rights for years; she is a State, if not a State of the confederacy; she has a right to be admitted; and the admission of a State is a question of that dignity to be entitled, not only to a speedy decision, but to a preference over all other questions until it was decided. He repeated, what he had said some days before, that he had come with his cloak to camp on this floor until the vote was taken; and, that being his idea of what all ought to do, he would not consume time by speaking.

When Mr. BENTON had taken his seat,

Mr. PRESTON, of South Carolina, addressed the Senate, and observed that he was as anxious as any other Senator could be that Michigan should be admitted, without delay, into the Union. She is a sovereign State, recognised as such by Congress, (said Mr. P.,) and her present position is extremely awkward; and as it seems, by the declaration of her Senators, that Ohio has no longer any interest in the enforcing of the condition required in the bill passed at the last session, I am disposed to waive that condition altogether. It was merely with a view to prevent difficulties between conterminous States that I voted for its insertion; but as the Senators from Ohio no longer consider it necessary as a security to that State on the question of boundary, I am ready to admit Michigan at once. Yet, while these are my feelings, I cannot bring my mind to vote for the whole bill, because I consider it as containing matter which is wrong both in fact and in principle. As the bill stands, it states a fact which the Senate does not know, and proceeds on principles which the Senate ought to repudiate.

[Mr. P. here gave way for a motion to adjourn; but the yeas and nays were demanded, and the motion was negatived: Yeas 16, nays 22.]

Mr. PRESTON resumed. I have said that the bill states a fact which the Senate does not know. And,

pray, what knowledge has this body that the solemn condition imposed by the law of Congress has been assented to and complied with by a convention of the people of the State of Michigan? We have no authentication of the fact; none—none whatever. Yet the bill states it as a thing certain, and rests entirely on that assumption. When you turn your eyes towards our Northwestern territory, what is the spectacle which meets your view? What is it you see amidst the great lakes north of the State of Ohio? What do you see there? The State of Michigan. Can we look behind, or below, or above, that State sovereignty? Is there any thing which we dare to recognise except that State? No, sir. The State alone can be recognised, or hold relations with us; and if we break though its organized forms, to hold intercourse and make contracts with the people directly, it is a revolutionary proceeding. The State stands between us and the people of that peninsula. How can the citizens of that State make themselves known to us? How can you know them, but through their State organization? What do you know of this Mr. Williams, whose name is appended to a paper which has been submitted to us by the Executive of the United States? What assurance have you that he is not a mere man of straw? What testimony do you possess to prove his existence and authenticate his signature? None whatever. All that is presented is loose parol testimony, conjecture, hearsay, and scraps of a newspaper. And are you to bind a sovereign and independent State, and that in the highest exercise of sovereignty, viz: the cession of territory, on such testimony as this—testimony that would not be received in any court on the globe? Is such a deed as this to be put on record, and remain on your archives? How do you know that Michigan has assented to the condition of her admission? Does the State appear before you? Have you her great seal? Have you the authenticated signatures of her functionaries? Without these, I cannot take my seat in this chamber. Without these, the Senators from Michigan themselves cannot be admitted here. I therefore set out by affirming that the fact recited in the preamble of this bill is not within the knowledge of the Senate. How dare you look into the interior operations of the State of Michigan? What authority have you to go there? Who entitled you to pass by, to pass over, to supersede, the entire legislative authority of that State, to create an *imperium in imperio*, to the utter subversion of the Government of that State, and the overthrow of its constitution? Sir, it is perfectly monstrous.

But the honorable Senator from Pennsylvania asks, how does it lie in our mouths to say that this organism of the people is interposed between us and the Legislature of Michigan, when we refused in January last to recognise that body as a Legislature at all, and declined receiving a memorial from it as a Legislature? I will tell the Senator. When we refused to recognise the existence of that Legislature, we had not recognised the constitution of Michigan; and it was not till then that we sanctioned the use of the words *States* and *Legislature*. Where, then, is the monstrous inconsistency so triumphantly urged? Let gentlemen compare the dates, and they will see there is no inconsistency. When Michigan first asked to be admitted, there were important difficulties in the way, and we could consider her only as a Territorial Government, or a mere mass of individuals inhabiting a peninsula. But a change came over the mode of her existence; her State constitution was adopted in April, and a committee of this body reported that they had examined that instrument, and brought in a bill proposing the mode in which she should be admitted into the Union. On the 15th of June this bill became a law, acknowledging the Territory of Michigan to be erected into a State, and to be received into the confederacy on a certain condition. But mark you, sir, that condition applied solely to her admission, not to her recognition as a State. What are the words of the proviso?

"*Provided, always*, and this admission is upon the express condition, that the said State shall consist of and have jurisdiction over all the territory included within the following boundaries, and over none other, to wit: Beginning at the point where the above-described northern boundary of the State of Ohio intersects the eastern boundary of the State of Indiana," &c.

This proviso, as you perceive, applies, with cautious precision of language, only to the last clause of the preceding sentence. But, independent of the proviso, the law constitutes Michigan a free, sovereign, and independent State, capable of admission into the Union, and of performing every act of sovereignty. We constituted the State, and by a contemporaneous act we required the State thus constituted to perform certain conditions before becoming a member of the confederacy. Where, then, is the mighty inconsistency about which we have heard so much? Before he charged inconsistency upon us, why did not the honorable Senator from Pennsylvania [Mr. BUCHANAN] turn to the journal? Michigan, it is true, was not a State in January, but she was a State in June—a State self-existing, and under the guarantee of the United States; and it is because this change was made, that we are incapable of holding any communication with her citizens in their individual capacity. The honorable Senator and myself have in this matter exactly changed sides. He was for recognising her before she was a State, and I was opposed to it; and now that she is a State, it is he that refuses to recognise her, and I who contend for it. I cannot consent to dissolve her State existence. You cannot do it. It is out of your power. She exists, independently of you. These, as I understand them, are the great and true principles of the State rights party, and but for this I should not have asked the attention of the Senate for one moment. This bill, in its present form, involves a gross violation of State rights; it goes to the utter prostration of all State Government, and involves the doctrine that the General Government has power to go below the State Government, and look beyond it. The gentleman talks of a convention of the people of a State. These are all complex terms; and in what sense does he use them? The Senator from North Carolina [Mr. STRANGE] said that the word "convention" had no technical meaning; that it applied to any assembly of the delegates of the people, no matter how they came together. Delegates of the people! How does he know that they are delegates? Here are we wielding the destinies and casting the deepest foundations of a State, without knowing the meaning of the word *convention*. The word is technical! It has a constant and well-defined meaning in the constitution of the United States and of the States. Am I to be told that any loose gathering of the population is a convention, within the legal meaning of that word? Why, sir, was the late Baltimore convention a convention of the people of the United States? Was that assemblage capable of giving laws to us? A convention of the people of the United States can upturn these seats and banish us all from these halls; can destroy the Senate, can abolish Congress. And was the Baltimore convention, a motley collection of postmasters, steam doctors, and God knows who, a convention of the people of the United States? Sir, I would not give this pinch of snuff for the tenure of my rights under this Government, if any such assemblage is to be so recognised. And do you know that the convention in Michigan was any thing more than that which met in Baltimore? The documents do not show that it was any thing more. They do not show that it was as much.

What is a convention? The constitution of the United

States speaks of a convention of the States; and what is meant by the word in that place? I will tell you what it means. It means a regularly delegated body, coming from a known constituency, with a political organization, and endowed with sovereign powers over the matters intrusted to it. That is a convention in a technical sense. I know, indeed, that there is a popular impression that a convention is a sort of undefined or undefinable thing, which rises up like a mist from the people, without any known law, but with exceeding power. But this is not a convention in the sense of any statute or of the constitution. A convention is a political body proceeding from a known constituency, and regularly convened for a known and defined political purpose. Now, do you know what was the constituency in this case of Michigan? Have you any authentic evidence that it was not a mere vague accidental assembly of gentlemen, who got together and arrogated to themselves the highest rights of the people? What are the powers of a convention? If it is a convention of the elementary kind referred to by the gentleman from North Carolina, who shall restrain its powers or give bounds to its authority? When you have conjured up this all-powerful spirit, how dare you undertake to restrain it? If the gentleman once assembles the majesty of Michigan, can he put manacles upon its hands? No, sir, it is the great power of the State, and it mocks at all attempts to restrain it. Who is to limit its doings? The instructions of the people? I put it to the Senator from Pennsylvania. I ask him to tell me who are the constituency of this self-styled convention in Michigan? Will he tell me, the people? Let us, then, examine the word *people*—a name often invoked, about which great clamor is made by some gentlemen, and with whom we have been repeatedly threatened. Who are the people? It may be difficult exactly to define; but this I know, that I am one of them, and I do not look upon this thing, the people, as some great monster which must have garbage thrown to it to keep it quiet. God forbid that I should consider or speak of my fellow-citizens as a mob, having a will and purposes not to be ascertained through their constitutional organs—which some gentlemen appear to understand by the word *people*. No, sir, I am one of the people. What is good for them is good for me. What is right, and just, and proper for them, is proper, and just, and right for me, for you, sir, and for all of us. Ay, sir, the proudest Senator upon this floor is but one of the people; and when gentlemen appeal, in whatever candied phrase, from the organized will of the people, to what they may, for the occasion, choose to consider their will, it is done in an equally exaggerated conception of their cunning and the ignorance of their fellow-citizens.

Let us, however, look a little more closely to the matter in hand. Who are the people of Michigan, of whom the gentleman speaks? The men, women, and children? white and black? foreigners and all? Who make up the people? Who are they? Gentlemen cannot answer. I will tell you who they ought to be. They are that political body which is recognised by the constitution of a State; and there may be a dozen conventions held by the tag-rag and bob-tail within the peninsula, and yet not one convention of the people of Michigan. It must be the political people of Michigan who are represented in convention. Who is it that shall regulate this matter? Who is to declare who are the people and who not?

Sir, on this point I took, at the last session, high ground for Michigan. I held then, and I hold now, that it is her right, and hers alone, to say who the people of Michigan are, and Congress has no right to touch the question; till she has told you, you cannot know. And if the gentleman from Pennsylvania shall say that our admission bill, in requiring the assent of the people of Michigan assembled in convention, meant a gathering of all the men, women, and children, residing within the limits of that State, he advances a doctrine utterly subversive of the State. No, sir, the question of assent was referred by our act to a political body; the political people of Michigan, in regular convention assembled. And what proof have we that the recent assemblage was such a convention? None in the world. A newspaper paragraph! private letters! parol testimony! Is this evidence? Who voted? Did the women and children? We are told that there were more members than in the first convention, and a larger constituency. But how is this? Did not the matter concerning which the first convention assembled involve the very highest topic that can engross and agitate a community? Was it any thing short of war with Ohio, and nullification of the acts of Congress? Under this excitement, a certain number of voters turned out, and now gentlemen show us that the number has been nearly doubled. How is this to be accounted for? Has the excitement been increased? It has been diminished. How will these things look fifty years hence? That Congress received the acts of such an assemblage, in direct contradiction of those of their political constituents.

It might be considered incumbent on me to prove that Michigan is a State, for the honorable Senator from North Carolina [Mr. STRANGE] has denied it. On this subject I belong to what has been deemed an extreme sect. But not in the very wildest of our excitement have I, for one moment, pushed the doctrine of State rights beyond the old Jeffersonian principles. Standing, where I have ever stood, on those principles, and upon them alone, I am here called to vindicate the State existence of Michigan. If the idea of the Senator from North Carolina is correct, then there is no existence for a State but in this confederacy. I will put a question to that honorable Senator. What was North Carolina before she came into the confederacy, and after the confederacy was formed? And yet he holds that Michigan is not a State, because she has not been admitted into it. If she is not a State, pray, what is she? She must either be a Territory, or else be in an elementary state, like the District of Columbia. When gentlemen once set out with these arrogations, there is no knowing where they are to end. No, sir, Michigan is a State. I vindicate her State sovereignty, and I am anxious, exceedingly anxious, that that sovereignty should not be tarnished in its very first act.

Then I say that there has not been a convention at Ann Arbor, that the people of Michigan have not been there represented. But here we are met by a *reductio ad absurdum*. We are asked, if the people of Michigan were not to meet so, how could they meet? Sir, if there is any one thing more dangerous than another, it is first to create a difficulty, and then to create a power in Government to meet it. It is dangerous in the extreme, with no other warrant than a phantom conjured up by ourselves, to call for weapons to destroy it, which are powerful enough to destroy liberty. What! are gentlemen to make powers? Are they to say a certain power is needed, and therefore we will create it? No; let them go to their masters. Let them go to the States and ask for it. But here there is no such necessity. You have the power already created.

A convention is provided for in the constitution of the United States and in the constitution of the State of Michigan—instruments which are obligatory on us and on that State. We have recognised her constitution, and it declares that a convention shall be called only in a certain way. Have you a right to subvert that constitution? Will you virtually repeal it in the very act of confirming it? I invoke the Senators who have been elected from Michigan to aid me in defending the rights of their State. Here is Congress proposing to repeal a part of their con-

stitution, attempting to circumscribe their own Legislature. I call them to the rescue. Much has been said in this debate about the will of the people, and we have been reminded that their wish is paramount to all enactments. God forbid that I should subscribe to that doctrine in the sense here advanced. What? Do I hold my rights by the mere popular breath? Shall I trust the liberties of us the people to such a Government? No, sir. I look to the recorded will of the people—to the will of the people as they have imbodied it in their political institutions. I look for the will of the people of Michigan in the constitution of Michigan. And they offend the rights of the people who look over that instrument to the voice of a mere popular assembly. The constitution, that is the people's will—their solemn, defined, recorded will. Tell me not that that is the will of the people which can be expressed by a mere transient party caucus movement. The people's will, I repeat it again, is the people's constitution, and I will not live in a society that recognises any other. Sooner turn me loose to the savage state, let me be armed to the teeth, and prepared to make war on every neighbor, rather than be under the government of mobs and caucuses. No convention, therefore, can be entitled by that name, unless it was held according to the constitution of the State of Michigan; and if you recognise any other, you subvert the constitution.

Now, I ask, how was the first convention formed? It assembled under the recommendation of the Legislature of Michigan, under an act which recognised the binding authority of the constitution. The acts were duly authenticated, and sent here with all the formulas of authentication upon them. It was the deliberate judgment of the people of Michigan, regularly expressed. But this will virtually goes to appeal from the entire authority of the people of Michigan, to the honorable chairman of our Judiciary Committee. He decides in the very teeth of the Legislature of Michigan, who must be supposed to understand their own rights and duties, and who passed a law for a convention—which convention did act, and duly certified its action. There was great point in the question put by the Senator from Ohio, [Mr. EWING.] If the first convention had acceded to the terms, and then this new-fangled and self-created convention had met and rescinded the act of assent, how would the Senator from Pennsylvania [Mr. BUCHANAN] have then decided between the two conventions? Would he for one moment have held up the latter against the former? No, sir. No, no. The Senator would have exclaimed, "Tell me not of the lawless proceedings of a disorganizing assemblage. Here is the act of a regular, a legitimate convention, held according to law; and what is the language of Michigan, if this is not?" In what terms of indignation would the Senator have rebuked us for paltering with terms, and casting the mantle of a convention over the unauthorized resolves of a lawless assembly? But circumstances alter cases. A convention regularly sanctioned by the Legislature has refused to accede to your terms. And how will you get out of the difficulty? By calling together a nameless body to controvert the will of the people, expressed through their own devised and constituted organs, to repeal official acts sealed and certified by their own functionaries? Shall we declare the act of their Legislature to be unconstitutional? Who gave us any such right? None dare do it.

But the gentleman from Mississippi [Mr. WALKER] reminded us that the first convention itself declared its want of power to alter the constitution. Well, sir, if that convention had not the power, what right have we to give superior power to another body? If the Governor and Legislature of a State could not invest a convention with power to change the constitution of a State, can we? It is preposterous.

The honorable Senator over the way [Mr. BUCHANAN] comes from the great State of Pennsylvania, and I from the little State of South Carolina. He comes from a non-slaveholding State; I from a slaveholding. Will he claim to go behind the act of my Legislature, and call upon the people of South Carolina? Intimations were once made, and from high quarters, that this General Government would look behind the constituted authorities of South Carolina for the will of the people; and what people will the gentleman from Pennsylvania select? The free white citizens, or black and white people, of the State of South Carolina? Will the gentleman consider the human beings or the white men of South Carolina her people? South Carolina alone can decide that for herself, and Michigan for herself; and this Government ought not, and cannot, for either. The gentleman perceives that I am deeply interested in this matter. There is a deep and a fearful reason why I shall not let him look behind the constitution and Legislature of a State. Sir, we talked much of conventions during the period of our late excitement in South Carolina. We had then the convention of a party, large and numerous, which sat from day to day, adjourned from time to time, appealed from the Legislature to the people, held, it was rumored, communications with this Government, and it was also rumored that officers of this Government threatened to consider it as South Carolina, and to obey its orders in wielding the sword at that moment held drawn against the State. The same dangerous and disorganizing principles are avowed in this bill. Sir, when once we get behind the Legislature, and get into conventions, who speaks the voice of the people? Who has got it? Each man says that he speaks it; but who is right? The party in power will always say that the voice which disapproves their acts is not the voice of the people. It is in this way they satisfy their conscience. And shall it be that on the will of the majority here repose all the powers of the constitution, and all the rights of the people of the United States? I trust such a state of things will never occur. Supposing that this was the State of Pennsylvania instead of Michigan, and there were two conventions, one at Philadelphia, and one at Harrisburg, expressing opinions directly the reverse of each other, which, in the opinion of the honorable Senator, would express the voice of the people? I can tell you, sir; it would be that which expressed his own sentiments. What I desire is, that we should not proceed on these resolutions passed at Ann Arbor as an act of the State of Michigan, but shall wait until we have the act of that State in a regular, organized form. What is a State? It is a political organization within a certain territory, and its political organization is the imbodying of its rights in a constitution. If you look beyond this, there is no State; there may be a population, but there is no State. Sir, this bill has been characterized as revolutionary, and it is so. It is an appeal from the Government to the people, from written constitutions to unwritten, from organized systems of Government to disorganized. The very act of this Ann Arbor convention is itself an act of disorganization. It grants away the territory of Michigan, yet it is itself not known to State authority. Supposing that some of these Ann Arbor gentlemen should be arrested on criminal process, and tried for their proceedings, how would they fare before a judicial tribunal? Sir, they are guilty of treason. Could they plead the act of Congress? It would not avail them; Congress is not their Legislature. If asked, what brought you here? if called upon to show an act of the Legislature calling them there, what could they answer? To bring the question home, suppose the Legislature should disavow their powers, what can we say? Can we say that that assembly was paramount to the Legis-

lature? Would the gentleman from Pennsylvania say to the people of Michigan, we will not listen to your Legislature: you shall be in the Union, and you shall be in it under the condition we prescribed? I think he would not. The Legislature might repeal the act of that convention to-morrow; and if the question came to a judicial investigation, how would that gentleman plead the powers of that convention? Suppose the territory should be disputed, and the courts of Michigan undertake to try an officer of the State of Ohio. He justifies under this convention, and we take ground that it had no power to act. How, I ask, would a court of justice decide? Will any gentleman say that the court in Michigan would consider itself as bound by such an act? I am greatly mistaken if there is any judge in the land who would not hoot at it. The State, to be sure, may acquiesce in it. That is possible; but we have no guarantee of it. And if not, your act will be laughed to scorn. Sir, it does strike me that this wholesale violation of charters—this wholesale nullification—goes infinitely beyond what we in the South ever thought of. We never applied the doctrine of nullification to the act of any Legislature within its own bounds; but the sweeping nullification of the chairman of the Judiciary Committee goes to the breaking down of all State powers and constitutions. This is nullification by Congress; it is nullification with a vengeance, under the patronage of the Congress of the United States. It is very dangerous. We in the South went on the ground that the General Government had transcended its powers, and that, so far, its acts were not binding; and our position was vindicated here, upon this floor, in 1832, with unanswered and unanswerable reasoning; and those who remember that affair may take occasion to sneer, but will never venture upon the argument again. Whatever was our doctrine or purposes, we came boldly out, and risked our property and life on the issue. We did not palter with public faith, upon flimsy subtleties, or stifle the voice of honesty by a pettifogging technicality.

I trust there are interests in South Carolina which will always save her from the necessity of resorting to sophisms and subterfuges to vindicate an equivocal honesty, or to hide herself in misty generalities while she violates her charter.

The honorable Senator tells us that the principles recently avowed by leading men of his party in Pennsylvania have been misunderstood. I am glad to hear it; for, as I and the public have understood those principles, they are utterly revolting and abhorrent to my nature. I do not desire for one moment to live under a Government where such doctrines prevail—doctrines which go to dissolve the bond of society. I know, indeed, that extreme glosses are sometimes put on the language of men in party times, but, as I understand, that celebrated letter is a call upon pauperism to enlist against property, to violate contracts, to strike first at bank charters and then at land charters, until nothing safe is left in the community. It is said that the will of the people, as that will is ascertained by the great high-priests who minister continually in the presence of power, is to supersede every thing: corporations, bank charters, acts of a State Legislature, State constitutions—all, all are to go by the board. Sir, I start back in horror from such doctrine and its abetters. But I will not longer detain the Senate. I have stated my objections to the preamble of this bill; let these be taken out of the way, and I am ready to admit Michigan to-morrow. I shall be glad to see her take her place amongst the confederate States, and it will be a personal gratification to me to be officially associated with the worthy gentlemen who are waiting to take their seats as her Senators.

Mr. STRANGE said he was greatly flattered in having the few hasty and desultory remarks he had let fall the other day made by the honorable Senator from South Carolina [Mr. PRESTON] so large a portion of the text of the very fervid and eloquent address he had just delivered. He had been so agreeably entertained as to be unwilling to interrupt him, even for the purpose of rescuing himself from misapprehension; but he now rose mainly for that purpose. The Senator from South Carolina [Mr. PRESTON] has represented me as saying that a convention was an undefined something, rising, like a mist, from the popular mass, scarcely perceptible, but very powerful. What I meant to say, sir, and what I think I did say, was that there was no mode pointed out, either by the common law or by statute, by which a convention was to be assembled; and I distinctly stated that a convention was an assemblage of the people of any community, either in person or by their agents or representatives; and when so assembled its powers were vast, and, in a state of nature, unlimited. The Senator has asked, when Congress has called together a convention, who is to control it? and, in so doing, has plainly misapprehended me in another particular. I have never said that Congress has the power to convoke a convention in Michigan, or in any other State, or any where else, except in the cases specially provided for in the fifth article of the constitution; and am, therefore, not called upon to answer the Senator's question. I do not conceive the convention held in Michigan to have been in obedience to an act of Congress, or that it was called by Congress. In this matter I accord fully with the Senator from Pennsylvania, [Mr. BUCHANAN,] that the act of last session was a mere offer on the part of Congress to the people of Michigan, which they might either accede to or reject, at their pleasure. Congress, in effect, says to the people of Michigan, we will create you a State of the Union upon certain conditions, which conditions are, that you shall meet in convention, and assent to certain territorial limits, which we have prescribed as those within which we are willing to create a State. The people of Michigan may either meet in convention, or decline it, at their pleasure; and being so met, they may either agree to the boundaries proposed, or refuse them; and the only consequences are, that in the one case they accept the terms offered them by Congress, and become a State, and in the other reject them, and remain a Territory, as they were before. The only question, therefore, which we have now to decide is, has Michigan accepted the terms proposed, or not? Objections are raised to the authority of Congress to enter into bargains or contracts with any State in this Union; but that objection proceeds upon the assumption of the fact that Michigan is now a State—the very point upon which the Senator from South Carolina and myself are at issue. I have denied, and do still deny, that Michigan is a State; and insist upon it that the very process is now going on to make her so, or rather to ascertain whether she is so or not. In my remarks the other day, I did not speak of any claim for Michigan to be a State by reason of the ordinance of 1784, declaring that the portions of country situated in the Northwestern territory should become States upon attaining a certain amount of population; nor is it necessary for me to remark upon that ordinance now, for I perceive that the Senator from South Carolina does not base his argument that she is a State upon that ordinance. On the contrary, he distinctly admits that in January last she was not a State, but became so by the action of Congress in June.

Now, sir, I deny that any thing took place in June to give to Michigan a different character from that which she bore in January, except that the act passed in June placed it in the power of the people of Michigan, by their own action, (to wit: according to the terms of the act of June,) to change their own character, and pass from territorial existence to that of a State. But it is

said that Congress, in that act, speaks of her as a State, and accepts her constitution. I insist that that act of Congress is altogether conditional, and must be altogether inoperative to give her existence as a State, without at the same time receiving her into the Union. The only authority claimed, or ever exercised by Congress, or, at any rate, the only one she can lawfully claim or exercise, is derived from the 3d section of the 4th article of the constitution. Even under this clause, the power of creating States is only implied as incidental to the power of admission, and the independent power of creation is nowhere to be found. Under it, the incident merely accompanies the principal, and they must both constitute one entire act. But this construction is objected to, upon the ground that it would place the Senators and Representative from Michigan in a very awkward situation. I should be exceedingly sorry if this consequence should follow; but while I stand here in part representing a sovereign State, I must fearlessly perform my duty, and assert that which I believe to be true, without reference to whom it may serve or whom it may disoblige, and must therefore continue to insist that Congress has no power to create a State for any other purpose than reception into the Union; and, therefore, if Michigan is not already in the Union, she is not a State. Something like an *argumentum ad hominem* has been addressed to me by the Senator from South Carolina, for the purpose of showing that a State may exist, and yet not be a member of the Union. He refers to a period when, after the adoption of the federal constitution by all the other States except herself, North Carolina had still an existence as a State, though not within the Union. I humbly conceive the argument is fallacious. North Carolina was not formed from any territory belonging to the Union, which never had property in her soil, nor held over her any claim whatsoever. She was a free, sovereign, and independent State, owning no superior, and acknowledging no control but that of her own will. She had, in common with her sister States, thrown off the shackles of despotism, and had a right, in common with them, to seek her own interest and happiness, according to her own choice. With herself, therefore, was the decision, whether she would seek them alone or in federative union with the other States. Not so with Michigan; she belonged in territory to the Union, and her citizens owed it allegiance; the one could never be transferred, or the other dissolved, but by actual force sufficient to maintain the new State against the power of the Union, or the consent of Congress constitutionally given. The former is not pretended, and the latter I deny has been shown to have been properly expressed. So that the cases of Michigan and North Carolina are altogether dissimilar; and the accidents of the one can never be used to illustrate those of the other. As I said yesterday, Michigan is not a State until she complies with the terms imposed at the last session, and the question is whether she has done so. I have already stated what I conceived to be a convention, so far as Michigan, at least, is concerned; and can there be a doubt that the Ann Arbor convention is such an one?

Gentlemen inquire what we would have said if the first convention called by the Legislature had ratified the proposal of Congress. Would we have considered it valid? I answer, valid, most unquestionably. We say it is totally inmaterial how the convention is convened, so it is a convention. The convention *de facto* is the one which we are to consider, without inquiring into its authority, just as we treat with the Governments of foreign nations. In this latter case, we do not ask how the Government is constituted, or by what authority it was formed. Our only inquiry is, is it, in point of fact, the existing Government? And so, also, of past acts of the Government. The inquiry is, was it at the time it acted in the possession of the sovereign power? and if so, its acts are valid, without any reference to the means by which that power was acquired. So with the convention. Had it an actual unresisted existence as the convention of the people? and if so, it possessed all the powers incident to a territorial convention. It is true, if Congress had in her act prescribed the mode in which the convention should have been convoked, no other convention but one called in that mode would have been a fulfilment of the act, or a compliance with its conditions. But, as Congress did not prescribe such mode, the people of Michigan were left to the broadest latitude; and if the first convention had yielded the assent required, all would have been well. But there were two conventions; and we are asked which was the voice of the people? I answer, both. The one spoke the voice of the people at one time, and the other at another; and the last is to be taken as the continuing voice of the people until they speak again. It is so with individuals. If a gentleman offers to sell me a horse, and I refuse to take him, that is my voice then; but I may return the next day and agree to take him, and that is my voice then; but the last voice closes contract, and there is the end of the matter. So with Michigan. An offer is made her; she refuses to accept it; that is her voice then: but another day she says I will accept it; that is her voice then, and the compact is ratified. But the Senator asks, can Congress call a convention in South Carolina? I believe I have already answered this question; but I will do it again. I say she cannot, and I deny that she has done so in Michigan. It is, therefore, unnecessary to review the picture of horrors which the gentleman has so eloquently portrayed as likely to ensue from such an act. But the course of Michigan is said to be revolutionary, unless she be a State. This might have been so if Michigan had acted without reference to the authority of the United States—if she had claimed the right of forming her constitution, and exercising other rights of sovereignty, without reference to the ratification of her acts by Congress. But this she has not done, but, on the contrary, is now seeking that very ratification at your hands, without for a moment intimating a desire of separation from you, or claiming an existence unsanctioned by your constitution. But it has been contended that Michigan, if a State, by holding this convention, has been guilty of a revolutionary movement, inasmuch as it was not called by the proper authority. In reply, I say that I have not only denied, but, as I think, shown that Michigan is not a State; but if she were, I insist that, so far as Congress has any thing to do with the matter, the act would not be revolutionary.

Every State in the Union, so far as Congress is concerned, has a right to hold conventions according to their pleasure, and, when assembled in convention, to prostrate their executive, legislative, and judicial bodies, and put up others in their stead, provided, in so doing, they adhere to the republican form of government. It is entirely a domestic matter, with which the other States have nothing to do. In this I am, as I think, fortified by one of the wisest and best statesmen who has ever adorned our country. "The authority," says Mr. Madison, in his celebrated report, "of constitutions over Governments, and of the sovereignty of the people over constitutions, are truths which are at all times necessary to be kept in mind." The only check possessed by the General Government over the sovereignty of the people of the several States must be found in the constitution, the charter of its own being. In the charter the General Government is required to guaranty to each State a republican form of government, and, while that is preserved, the interference of the General Government is uncalled-for and unauthorized. She has nothing to do with the matter.

But we have been asked, what will be the result, if we

make this convention the subject of judicial inquiry? The question is, I think, altogether premature. The validity of this convention can only be drawn into judicial inquiry in a dispute between Michigan and a neighboring State, on the subject of boundary; and to put that difficulty at rest it is that Congress has herself incurred much difficulty, and imposed it upon others: but she cannot settle the matter judicially; neither can she, by any legislation, interpose any insurmountable barrier in the way of litigation. She has been endeavoring to induce Michigan to estop herself from setting up any claim to the disputed territory. If she has succeeded, all is well; and if she has not, matters are only left as they were. If Michigan chooses to make it a subject of judicial inquiry, it must always be in her power to do so. We may legislate as extensively and with as much complexity as we please, but the parties affected by our legislation will, whenever they think proper, apply to the judicial tribunals to decide what our legislation has accomplished. Congress has already passed a law prescribing the limits of the litigant States, thus expending all the power she possesses on the subject; but the efficiency of this, and all other powers, must be a question forever open to judicial investigation. We can pass no gag-law by which the parties interested shall be forbidden to litigate their claims before the courts of the country. But that a convention has been holden, as a matter of fact, I did not suppose would be disputed. [Mr. PRESTON. I do not deny it at all.] I am obliged to the Senator for the admission; and that the Ann Arbor meeting was not only a convention, but one of indisputable validity, I think is very satisfactorily shown by the fact, if there were no other in the case, that this matter has been agitated in Michigan in the newspapers, in fact every where, and that no person is found in this city, either in or out of Congress, lifting up his voice with authority to deny the validity of that meeting—that it was properly convened, and that its acts are perfectly legitimate.

Mr. MORRIS withdrew his proposition to recommit the bill with instructions, and submitted, as an amendment, a substitute for the preamble.

Mr. GRUNDY asked for the yeas and nays on Mr. MORRIS's amendment; which were accordingly ordered.

Messrs. CALHOUN and MORRIS addressed the Senate in favor of the amendment just offered.

Before Mr. MORRIS concluded, he gave way, and

Mr. EWING, of Ohio, moved that the Senate adjourn; which question was decided in the negative: Yeas 16, nays 16.

After a few remarks from Mr. MORRIS,

Mr. WALL moved that the Senate adjourn; which motion was lost: Yeas 19, nays 19.

YEAS—Messrs. Bayard, Brown, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, King of Alabama, Knight, Moore, Morris, Nicholas, Niles, Preston, Southard, Swift, Wall, White—19.

NAYS—Messrs. Benton, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Georgia, Linn, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wright—19.

After a few more remarks from Mr. MORRIS,

Mr. EWING, of Ohio, moved that the Senate adjourn; which motion was carried: Yeas 21, nays 17—as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, King of Alabama, Knight, Linn, Moore, Morris, Nicholas, Niles, Preston, Southard, Strange, Swift, Wall, White—21.

NAYS—Messrs. Benton, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Georgia, Page, Rives, Robinson, Ruggles, Sevier, Tallmadge, Tipton, Walker, Wright—17.

So the Senate adjourned.

WEDNESDAY, JANUARY 4.

ADMISSION OF MICHIGAN.

The Senate proceeded to the further consideration of the bill for the admission of Michigan into the Union; the question being on the motion of Mr. MORRIS to amend the bill.

After Mr. MORRIS had made a few supplementary and explanatory remarks,

Mr. BAYARD said: In taking part in the present discussion, and in the vote which he should feel himself compelled to give on the subject now under consideration, he was actuated by no feelings of ill will towards the new State of Michigan; on the contrary, he would cheerfully extend to her the hand of fellowship, and heartily welcome her admission into this great confederacy. But, sir, I cannot conscientiously do so under the circumstances and in the manner that is proposed. Nor, sir, have I any pride of opinion to maintain in the course I pursue, as I had not the honor of a seat here when the act of Congress was passed which is the remote cause of the present proceedings. A seat in this body imposes the duty of consulting the welfare of the whole Union, as well as of preserving the great principles of the constitution; and I feel, sir, that I am influenced by no other motive. I am happy to find that one of those little mists which might have obscured the subject has been dissipated by the communication which has just been made by the Secretary of the Treasury, that the share of the surplus revenue to which Michigan would be entitled if now a State of the Union will be reserved for her, unless its distribution should be ordered by Congress. If, sir, this course had not been adopted by the Secretary, I should have cheerfully and promptly given my support to a law for that purpose. It is agreed, too, on all hands, that there is no party purpose to be promoted by our present action on the subject, and that we are thus at liberty to exercise a fair, impartial, unprejudiced judgment in its decision.

In my opinion, sir, the present bill involves a monstrous political heresy, and gives its sanction by implication to a doctrine which would subvert all regular government. It is true, sir, that upon its face there is nothing exceptionable, but you cannot strip it of its contemporaneous facts, you cannot blot from the page of history its concomitant circumstances. The message of the President and other documents are now matters of record. What, then, sir, is the case before us? Not a single insulated act, but a matter which, in the web of human affairs, involves consequences which cannot be trammelled up. The effect, sir, of to-day becomes the cause of to-morrow, and it behooves us to look warily to the principles which we establish. The case is simply this: the people of a part of Michigan Territory, without waiting for a previous act of Congress assigning the boundaries of their State, and authorizing the formation of a constitution and State Government, undertook, on the 11th May, 1835, to form a constitution and State Government, and applied for admission into the Union at the last session. Congress passed an act on the 15th June, 1836, accepting, ratifying, and confirming, the constitution and State Government, but provided, as a condition precedent to her admission, that the assent of a convention of delegates, chosen by the people, should be given to the boundaries prescribed in the act. I say, sir, the people of a part of Michigan Territory undertook to do this, because, at that time, Michigan Territory embraced not only the peninsula of Michigan, but the whole of the present Territory of Wisconsin, and contained within its limits 177,000 square miles, or nearly three times the area of the great State of Virginia. The peninsula of Michigan, which had previously formed a part of Indiana Territory, was separated from that Territory and established as an in-

dependent one by the act of Congress of the 11th January, 1805. Subsequently to this period, Indiana in the mean time having been formed into a State, an act of Congress was passed, (on the 18th April, 1818,) authorizing the formation of a constitution and State Government for Illinois, and the 7th section of that act added to the peninsula of Michigan the rest of the Northwestern Territory, comprising the present Wisconsin Territory, which it declared should be attached to, and made part of, Michigan Territory, subject, however, to be disposed of by Congress according to the right reserved in the 5th article of the ordinance of July 13, 1787.

When the immense territory on the north of the Ohio river, formerly called the Northwestern Territory, was ceded to the United States by Virginia, the 5th article of the ordinance of the 13th July, 1787, which was declared to be a compact between the original States and the people and States of the said Territory, provided that it should be divided into not less than three nor more than five States, and proceeded to parcel it out into three States, whose boundaries it fixed, with the express provision, however, that those boundaries might be altered, and that Congress should have the authority to form one or two States in that part of the territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. At first, this whole region of country passed under one name, that of "the Territory northwest of the river Ohio," and was subject to a single Territorial Government. In the year 1800, by the act of Congress of the 7th May, it was divided into two parts, for the purpose of temporary government, by a line beginning at the Ohio, and opposite the mouth of the Kentucky river, and running thence to Fort Recovery, and thence north until it intersected the territorial line between the United States and Canada. That portion of it which lay on the eastern side of the division line retained the name of the Territory northwest of the river Ohio, and that on the western side of the line was called Indiana Territory. The peninsula of Michigan was thus divided between these two Territorial Governments. When, subsequently, in the year 1802, the State of Ohio was, by the act of Congress of the 30th April, in that year, authorized to form a constitution and State Government, and the boundaries of that State were established, the balance of the Territory northwest of the river Ohio, that is to say, the other portion of the peninsula of Michigan, was attached to Indiana Territory. By act of Congress of the 11th January, 1805, this Territory of Indiana was again divided, and the peninsula of Michigan established as a separate Territory. From the year 1805, then, until the year 1818, the Territorial Government of Michigan extended only over the peninsula of that name. When, however, in the latter year, by act of Congress of the 18th April, Illinois was authorized to form a constitution and State Government, and the boundaries of that State were established as they had been of the State of Indiana, by the act of April 19, 1816, the remaining portion of the old Northwestern Territory was added to the peninsula of Michigan, and the whole subjected to one Territorial Government. This immense region of country, covering an area of 177,000 square miles, was subject, however, by the express provision of the ordinance of the 13th July, 1787, to be formed by the authority of Congress into one or two States. Such, sir, was the state of things when the inhabitants of the peninsula of Michigan, disregarding this authority of Congress, undertook to form a constitution and State Government for themselves. The preamble to their constitution is in these words: "We, the people of the Territory of Michigan, as established by the act of Congress of the 11th of January, 1805, do agree," &c.; which description embraced only the inhabitants of the peninsula of Michigan, which had, as has been stated, in the first instance been made a separate Territory by that act of Congress. In doing so, these people professed to act in conformity with the ordinance of July, 1787, and to derive their authority from that ordinance; which, as has been seen, expressly reserves to Congress the right to form one or two States in the Territory as it then existed. As both Congress and the inhabitants of that peninsula could not have the same right, it is perfectly clear that the act of those people was unwarranted by any provision of law, and a mere nullity. This was the view taken of the subject at the time of their application to Congress at the last session, and hence, sir, the resolution of the 26th of January, 1836, referred to by the Senator from Pennsylvania, [Mr. BUCHANAN,] "that the Senate regard the memorial purporting to be from the State of Michigan in no other light than as a voluntary act of private individuals." But, sir, consent takes away error, and Congress thought proper, at a subsequent period, by the act of the 15th June, 1836, to accept, ratify, and confirm, the constitution and State Government which had been formed by the inhabitants of the peninsula, with this proviso, however, that the limits of the State should embrace not merely the peninsula, but likewise a region of country lying on the northwest of Lake Michigan; thus adding to the proposed new State both territory and population, and requiring, as a condition precedent to her admission into the Union, that the assent of a convention of delegates chosen by the people should be given to the boundaries prescribed in the act. The simple question, then, would seem to be whether this condition has been complied with. Congress, not doubting but that such assent would be cheerfully and promptly given, further provided that, as soon as such assent should be given, the President should announce the fact by proclamation, and "that, thereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union, as one of the United States of America, on an equal footing with the original States in all respects whatever, shall be considered complete, and the Senators and Representatives who have been elected by the said State, as its representatives in the Congress of the United States, shall be entitled to take their seats in the Senate and House of Representatives, respectively, without further delay."

It is thus seen, sir, that not only the fact of assent is provided for, but also the evidence by which that fact is to be established. It is clear that the President is made the judge of that fact, and that he might have bound the United States at least by his proclamation. We could not have controverted the fact, and the Senators from Michigan might have taken their seats on this floor. But, sir, although the President might have assumed this responsibility, he has, at least in this instance, wisely abstained from trampling on the law and constitution. I cannot see how it was possible for him, under the circumstances of this case, to have declared that a convention of delegates, chosen by the people of Michigan, had given its assent to the boundaries prescribed by the act of Congress. Whatever may have been his motive for this course, no proclamation has been issued, but the whole matter is referred to Congress by his message of the 27th of December, 1836. By that message and the accompanying documents it appears that a convention of delegates assembled on the 26th of September, 1836, at Ann Arbor, in conformity with an act of the Legislature of the State of Michigan, passed on the 25th of July, 1836, and resolved "that this convention cannot give their assent to the proposition contained in said proviso; but the same is hereby rejected." By the same message and documents, it further appears that another convention of delegates assembled on the 14th of December, 1836, at Ann Arbor, without any

previous law of the Legislature of the State of Michigan, but which originated from the resolutions and proceedings of primary meetings of the citizens in the several counties, which assumed to be a convention of delegates chosen by the people in compliance with the act of Congress, and this convention gave its assent to the condition. As the case stands, the simple question is, whether the condition has been complied with; or, in other words, has a convention of delegates, chosen by the people, given its assent? The act which we have now under consideration, in its preamble, declares that such assent has been given in compliance with the law.

It may be here remarked that the matter now under consideration does not involve the question of the right of Congress to impose such a condition. The bill which we are now to pass upon supposes that right to exist, is based upon it, and declares that the condition has been complied with. I have not a doubt myself, sir, as to the right. But, sir, as to the fact, is it true that a convention of delegates, chosen by the people, has given its assent? As no proclamation has been made, which was the evidence contemplated by the act, and by which we should have been bound, we must now look into the whole case; we must examine the evidence of the facts, as furnished in the message and documents. What, then, is the evidence laid before us? 1st. The proceedings of the convention held on the 26th of September, 1836, at Ann Arbor, under the authority of the law passed by the Legislature of the State of Michigan, on the 25th of July, 1836. 2d. The proceedings of the convention held on the 14th of December, 1836, without any previous act of the Legislature of the State of Michigan, but convened by virtue of the resolutions and proceedings of primary meetings of the citizens in the several counties. The first-mentioned convention positively refuses its assent. The second convention gives that assent. If the matter stood alone upon the acts of the second convention, stripped of its concomitant history and circumstances, and we were called upon simply to give credit to the proceedings of that convention, on the faith of its assumed character, and the attestation of its president and secretaries, we might, sir, be content with the evidence, and look no further into its character and authority. And this, sir, I take it, is the position assumed by the Senator from North Carolina, [Mr. STRANGE.] But, sir, such is not the case; we cannot shut our eyes to the fact stated in the letter of the president of the convention, (Mr. Williams,) accompanying its proceedings, and stated, also, in the message of the President of the United States, in which this matter is referred to us, and which are now both part of the records of this transaction, that the convention was assembled without authority of any previous law of the State of Michigan, but originated in primary meetings of citizens in the several counties.

Are we, then, sir, prepared to say that here has been a compliance with the act of Congress, as is affirmed in the preamble of this act? What did Congress mean by a convention of delegates chosen by the people? Did they mean an idle ceremony, or did they mean a convention which could bind the people of Michigan; or, in other words, a convention which should possess the sovereign power of the State when assembled? If such is their meaning, can it be pretended that this convention, assembled under the authority of voluntary meetings of citizens in different counties, is possessed of the sovereign authority of the State? And yet, sir, if you pass this bill, with or without its preamble, you do virtually declare that this proposition is true. You declare, sir, for you cannot get rid of the facts and circumstances of the transaction, that voluntary meetings of citizens in different counties of a State, in a time of profound peace, and as a measure of regular government, may call a convention, which shall possess the sovereign power of the State, and may, therefore, alter or abolish the existing Government. The proposition is too monstrous to be tolerated for a moment. If the people of Michigan were in a state of nature, *lege solutus*, without any social institutions whatever, and had assembled as a body in some grand *campus martius*, those who were present could have bound only themselves, since there would be wanting the assent, either express or implied, of those who were absent, and which assent is the sole foundation of authority in a republican Government.

But such, even, was not their case; a constitution and form of government had been adopted by them on the 11th of May, 1835, which was accepted, ratified, and confirmed, by the act of Congress of June 15, 1836, and which was in existence and active operation at the time of this pretended convention. The very end of government is the protection of the weak against the strong, of the guileless against the crafty; and no portion of the people have a right to bind the rest of the community, but in the mode provided in the constitution, which is the compact of their association, the compact which every man enters into with every other man, and which is, for that reason, the source and measure of the authority of the Government organized by it.

Upon any question affecting the general interest, and which falls within the scope of the legislative power, that power alone is the true exponent of the public will. The term *people* embraces every individual in the community, or, in a more confined and political sense, every individual who enjoys the franchise of a vote, and is not to be confined to a few busy demagogues, who affect to imbody in themselves the majesty and authority of the people; while the compact, which each man has entered into with every other in adopting a constitution which vests the legislative power in a particular body, is, that the Legislature shall be the exponents of the public will in all cases not prohibited by the constitution. This results from the very nature of things, and is true of every species of government. Where the people have themselves formed the constitution, it is they who have declared, in such a case, that they will not collectively, nor in any portions of society, great or small, attempt to exercise legislative power in any other mode. The question then arises, whether there existed in Michigan a Government, possessing legislative power under a constitution formed by themselves, and whether that legislative power was competent to call a convention. Her condition was the same after the act of June 15, 1836, as if she had been authorized in the first instance to form a constitution and State Government, and had done so in conformity with such previous authority, but which had provided that her admission into the Union should depend on the performance of some condition precedent. In this state of things there was nothing unusual or unknown to our institutions and practice. The State of Indiana was authorized, by act of Congress of April 19, 1816, to form a constitution and State Government, and was not admitted into the Union until the 11th day of December following. Illinois was, in like manner, authorized by act of Congress of the 18th of April, 1818, and was not admitted into the Union until the 3d of December following. Mississippi was authorized by act of March 1, 1817, and admitted on the 10th of December following. In these different instances, the State Governments were organized and in active operation before the admission of the respective States; they passed laws, and elected their respective Senators and Representatives. It is, therefore, a proposition which is undeniable, that a people may have a State Government before admission into the Union. This circumstance explains the reason why Congress made no provision as to the mode in which a convention should be convened, in order to give the required assent. It was because there existed in Michigan a State Govern-

ment, accepted, ratified, and confirmed, by the very act which required the assent of a convention, which was competent to call one, and settle the time and place of its assembling, and the details of its election. But it is said that the Legislature had, by the constitution of the State, no power to call such a convention, because the purpose of such convention was to alter the boundaries of the State as established by the constitution, and that instrument had provided a different mode of proceeding in cases of amendment or alteration. This objection assumes it to be true that the boundaries of the State were settled by the constitution, which, in point of fact, is not so. There is no reference, either express or implied, to the boundaries of the State, in any part of the instrument, except the preamble, which is in these words: "We, the people of the Territory of Michigan, as established by the act of Congress of the 11th of January, 1805, &c., do, by our delegates in convention assembled, mutually agree to form ourselves into a free and independent State, by the style and title of the State of Michigan, and do ordain and establish the following constitution for the government of the same."

It must be recollected that, at the time of forming this constitution, the Territory of Michigan was composed, as I have stated, of the whole of the remaining portion of the Northwestern Territory, embracing the present State of Michigan and the Wisconsin Territory, and covering an area of 177,000 square miles; that the peninsula of Michigan had been subjected to a separate Territorial Government by the act of the 11th January, 1805, and had so continued up to the year 1818, when, on the creation of the State of Illinois, the balance of the Northwestern Territory had been incorporated with it. The people of the peninsula of Michigan wishing to form themselves into a State, instead of describing themselves as inhabitants of the peninsula, in terms adopted an equivalent form of expression, namely: "We, the people of the Territory of Michigan, as established by the act of the 11th January, 1805," which was precisely the peninsula of Michigan.

This is nothing more than a description of the people who proposed to form themselves into a free and independent State, as contradistinguished from the other inhabitants of the then existing Territory of Michigan. It is the natural and proper mode of describing a people or nation, namely, by the place or country of their residence; but it does not import any limitation of boundaries, any more than the phrase "We, the people of the United States," in the preamble to the constitution of the United States, limits the boundaries of the United States to those which existed at the time of its adoption. If it were otherwise, how came we at this moment to possess the immense region on the western side of the Mississippi, or how came we to possess Florida? It is very unusual and unnecessary to settle boundaries in the constitution, and I question whether there are more than half a dozen cases to be found among the different States of this Union. In the cases of Ohio, Indiana, and Illinois, it became necessary to do so, because the act of Congress which authorized the formation of their respective constitutions required that it should be done.

The word *State* has a double meaning: in the one it indicates the people who compose the community, in the other the territory inhabited by them. In forming a constitution it is the people who form themselves into a sovereign State, and their identity would be the same, whether they continued to occupy the same territory or not. The reference, by way of description, to the region of country they inhabit, is no more of the essence of the compact than a description of an individual in a deed, as A B, of the District of Columbia, would be of the essence of his contract, requiring that he should, in all time to come, reside in the District of Columbia, in order to avail himself of its provisions. But, sir, there is another and a conclusive answer to this objection; which is, that the inhabitants not having possessed the right at all, in the first instance, to form a constitution and State Government, the same is binding and valid only so far as it was ratified by the act of Congress of June 15, 1836; and that act having refused to confine the new State to the peninsula of Michigan, but having required that it should embrace a region of country on the northwestern side of the lake, it follows that if it were true that the preamble established the boundaries of the State, it was in that particular vacated by the act of Congress. For it must be recollected that the ordinance of 1787 gave to Congress the right to erect one or two States in the then existing Territory of Michigan, which was the remaining portion of the old Northwestern Territory. The result, sir, then, is this: that to call a convention to express its assent to the boundaries established by Congress, is not to call a convention to amend or alter the constitution, since the constitution, neither in point of fact nor in point of law, established any boundaries; and, consequently, that the enlargement or diminution of its territory became a matter of ordinary legislation, a power which is exercised every day by the Legislatures of the respective States, in cessions made by them to the United States.

But if it be true that the enlargement or diminution of the territory is a matter of ordinary legislation where the boundaries are not fixed by the constitution, *a fortiori*, it is a matter of ordinary legislation to call a convention to enlarge or diminish the territory, where the duty to do so is imposed by competent authority. The right of a Legislature to call a convention at any time must depend on the constitution of the State; and the powers of the convention, when called, will depend on the provisions of the law under which it is assembled; because the people, in voting for such a convention, cannot be understood to invest it with any other power than that which they have previously agreed it should have in the passage of the law to which they have, through their Legislature, given either their express or implied consent. The people are the source of all power. When assembled in a state of nature, *lege solutus*, in their sovereign capacity, their power is without any practical limitation. It is the whole will of the community, sustained by its whole force. But, as they cannot meet *en masse* when spread over a large country, recourse is had to the principle of representation; and, when the sovereign power is delegated, a constitution becomes necessary in order to limit the powers granted. If the whole legislative power were delegated, without restriction, then the Legislature, who are the depositaries of that power, would possess it in as absolute a degree as that in which it belonged to the whole community, assembled in its sovereign capacity; that is, without any practical limitation. The constitution of a State is not, therefore, generally a mere grant of power to a particular body; it does not consist in an enumeration of certain powers which are granted, but, vesting at once the whole legislative power in a particular body, it provides for limitations on its exercise. Hence the necessity for bills of rights and reservations in favor of individual liberty and security; hence the provisions in relation to trial by jury, to the power of arrest, to the habeas corpus, to freedom of conscience in religious matters, and freedom from unreasonable seizures and searches; hence the necessity of guarding the existence of the executive and judicial powers by constitutional provision, which might otherwise be absorbed by the legislative power. All this results from the very nature of legislative power, which, whether it resides in the whole community or is delegated by that community to a particular body, is without practical limitation other than that provided for

in the constitution of the society. And herein, sir, consists the great and essential difference between the constitution of a State and the constitution of the Federal Government. The first has all the powers that are not prohibited, the latter has no powers but those which are granted. The principle is all-important in the construction of the two instruments. The Federal Government is one of enumerated powers. There is no general delegation of the whole legislative power of the community, restrained merely by exceptions and limitations; but the delegation is of "all legislative powers therein granted." It is true that the same language might be used in a State constitution, and, in such case, would require the same construction. But when, as in the case of the constitution of Michigan, it is declared that "the legislative power shall be vested in a Senate and House of Representatives," it is the legislative power of the whole community, and has no practical limitation but what is to be found in other parts of the constitution. I mean, of course, as a rule of construction growing out of its own provisions. There is, also, as respects the States of this Union, another limitation, namely, the constitution of the United States. But the principle is the same, for the constitution the United States, having received the assent of the same people, may be considered as incorporated with, and forming, for the purpose of construction, a part of the State constitution, in the limitations it imposes on the exercise of State sovereignty. As it appears, then, that the object of calling a convention in Michigan was not to amend or alter the constitution, but to give its assent to what the legislative power might itself have assented to, namely, the enlargement of its territory, it follows that the power to call such a convention is a mere act of ordinary legislation, and the duty having been imposed by Congress to do so, it was the business and right of the Legislature of that State to perform that duty. It was the duty and right of the Legislature of Michigan to call the convention, because the people of Michigan, when they formed their constitution, declared that the Legislature alone should possess the right of expressing and binding the public will in matters of ordinary legislation. Upon the question whether a convention should be called, the time and place of its assembling, the mode of its election, the qualification of its electors, no portion of the community had the right to dictate to any other portion; nor could the will of the community be ascertained on those points in any other mode than that agreed upon in the constitution. And why, sir? Because the people of Michigan had previously agreed, each man with each and every other, when they adopted their constitution, that the Legislature should be the exponents of the public will in such a case. That any portion of the community, be it great or small, should call itself the people, and affect to express and bind the public will, under such circumstances, is a fraud upon the rights of every man in it, and a gross and manifest infraction of the social compact into which he entered when he agreed, with others, to form a sovereign State, and delegate the legislative power to a particular body. I say, then, sir, without the fear of contradiction, that when the people themselves, who cannot act in mass, delegate to their representatives, by their constitution, the legislative power of the community, each and every man of them parts with the right to express and bind the public will in any other mode than through their Legislature, in relation to matters falling within the scope of that power. Such is the compact, and it is they themselves who establish it.

The case of revolution has been appealed to as establishing and illustrating the right of the people to alter or modify their Government, and control, by voluntary meetings, the will of the community. Nobody, sir, doubts that where, in the language of the declaration of independence, "any form of government becomes destructive of the rights of life, liberty, and the pursuit of happiness, the people have a right to alter or abolish it." But is it not an insult to the understanding of any man to cite such an authority as a warrant for the proceedings in Michigan? Is it not the very point of the objection which is made to the present bill, that the principle involved in it is revolutionary, while it professes to be an act of regular government? Does the case of Michigan present one in which the people, laboring under grievous oppression upon the part of their Government, which, in its form and practice, is destructive of the rights of life, liberty, and the pursuit of happiness, are seeking to alter or abolish that form of government? No, sir. The question simply is, whether portions of the people of that State, having a regular Government, in which is vested the legislative power, have the right, by assembling in voluntary meetings, to call a convention empowered to bind the State in a time of profound peace, and as a measure of regular government. To state the question correctly is to refute it. And yet, sir, we have had an appeal made to the sacred right of revolution; and we who oppose the measure have been taunted as being opposed to the fundamental rights of the people, and to the principles of our great Revolution. We have had an effusion of the wildest and most incoherent notions of popular liberty, and our principles denounced as those of the Stuarts and of the Bourbons. And what, sir, after all, is the position for which we contend? It is, that voluntary meetings of citizens, which may be nothing more than the proceedings of a few turbulent demagogues, have not authority, in a time of peace, and as a measure of regular government, to call a convention, which shall possess the sovereign authority, and be capable of binding the whole community. The converse of this proposition, I say, sir, is the principle involved in the case before us, and against which I shall contend at all times, and under all circumstances. The case of revolution supposes an end to all regular government, and its illustrations and its arguments have nothing to do with the one before us. And now, sir, we are called upon, here, here in the Senate of the United States, to sanction a principle which would be subversive of all regular government, and that, too, at a time when a spirit of misrule is abroad, when the country is full of scenes of personal violence, and we have seen men in a neighboring State insensible to the ties of social duty, willing to break down the whole social edifice, to subvert the entire Government, in order to accomplish a mere party purpose. It may be asked why Congress required the assent of a convention, since it had the power to establish the boundaries by its own authority. The answer would seem to be that, as the constitution presented by Michigan, and the desire to be admitted into the Union as a State, purported to proceed merely from the inhabitants of the peninsula, and as Congress did not think proper to grant the request that the peninsula alone should constitute a State, but added both population and territory, it became a matter of propriety to refer the subject back again to the people, to ascertain whether, under these circumstances, they still desired to become a sovereign State, and, as such, a member of this Union. But that is not now the question; the bill before us supposes that the provision was right, and affirms it to be true that the condition has been complied with. Is this true? What makes the matter still worse is, that the first convention called by the legislative authority expressly refused its assent, and we are now called upon to say that the second convention, assembled under the authority of voluntary meetings of citizens in some of the counties, was a legal convention, capable of binding the State, and that the

assent has been given which is required by the act. The resolution of the 26th January, 1836, referred to by the Senator from Pennsylvania, [Mr. BUCHANAN,] can have no bearing whatever on the present question, as indicative of the opinion of the Senate in relation to the power of the Legislature, since, at that time, there was clearly no legal authority on the part of Michigan to establish a State Government; but the act of the 15th of June, 1836, altered the case, by accepting, ratifying, and confirming, the constitution and State Government, and thus giving to both a legal existence.

In the view which I have taken of this matter, numbers are nothing. But it is contended that there were more votes given in favor of a convention at the elections held under the authority of the voluntary meetings than were given both for and against the former convention. And what does this prove? Might there not have been a great number of illegal votes given at the second election, when there was no authority of law for the government of those who undertook to conduct it? But as to the fact, which is paraded as a matter of moment, that there were at least eight thousand votes given for the second convention, does that prove, with reference to the mere weight of numbers, supposing that none voted but those who had a right to do so, that the people of the State, or a majority of the people, desired that a convention should be called, and were in favor of giving the assent required by the act of Congress? Far from it, sir. Upon turning to the census which was taken in the year 1834, it will be found that there was, in that year, in the peninsula of Michigan, a population of 87,273 souls, of whom there were upwards of 22,000 free white males above the age of twenty years, so that there must have been, at that time, at least twenty thousand voters. At the present time it is probable that there are at least thirty thousand voters; and yet eight thousand votes given without authority of law, and without the certainty that they were those of persons who had a right to vote at all, are here represented to be the voice of the people; and it is seriously contended that they had a right to elect a convention representing the sovereignty of the State, and capable of binding the whole community. This very case is itself the strongest proof of the danger and folly of departing from the true principles of the social system, and attempting to introduce and establish any other standard of the public will than that which the people themselves, in the formation of their constitution, have declared shall be the exponent of that will, namely, the legislative power. In the one case, which is that of the regular action of Government, there can be no danger; and the people, having it always in their power to change their representatives, may secure a faithful assertion of their will; but in the other, which concedes to a portion of the people the right, by voluntary assemblies, to call and elect a convention capable of controlling the whole community, the very end of all government is defeated, by giving to the strong and the crafty the means of controlling the weak and the timid without their consent; and while their proceedings boldly and insolently assume the form and the tone of public sentiment, they may in truth be nothing more than the machinations of designing demagogues, and prove in the end the worst species of tyranny. What, then, it may be asked, is to be done? There are two courses, either of which may be taken, and with either of which I shall be content. The one is to leave the matter to the further action of the State of Michigan. Let the Legislature of that State call another convention, and then, if it be true that the majority of the people are now in favor of coming into the Union upon the proposed terms, there cannot be a doubt but the required assent will be given. This course will require a little delay, but that will be attended with no material inconvenience. The other is to repeal the third section of the act of June 15, 1836, which imposes the condition, and admit her at once. I have no apprehension of difficulty on the score of boundaries, having the most perfect conviction of the power of Congress to settle them, and that has been done by the express provisions of the act. But, sir, it will not do to pass this act, either with or without the preamble, unless in the latter case the third section of the act of June be repealed, because that provision still subsisting, to admit under the present circumstances would imply that Congress was satisfied that the condition had been fulfilled. This, sir, would be virtually to recognise and sanction the doctrine against which we contend, and which, if established, would in the end subvert all regular government; and which, while it preserved the form of republican institutions, and affected to be based on the principle of popular rights and popular liberty, would involve in its practice the most odious tyranny.

Mr. BROWN said it had not been his intention to participate in the debate which had arisen on the question then under consideration; but some doctrines had been advanced in its progress which challenged their most serious consideration, and which he, as a member of that body, would not permit to pass without giving utterance to the sentiments of strong disapprobation with which they had been heard by him. He almost despaired, after the eloquent display of the gentleman from Delaware, [Mr. BAYARD,] who had just taken his seat, of saying any thing that would interest them, or of being able, in the course of his remarks, to gain that attention which that gentleman had so justly merited, as well from the matter as the manner of his address.

The admission of Michigan as a member of the Union had (said Mr. B.) been resisted mainly by those who oppose it on the ground that she is, at this time, a sovereign State, and that the convention which assembled in December last, and gave its assent to the terms proposed by the act of the last session of Congress, was not called into being by a law of the Legislature of Michigan, and is therefore to be considered as irregular and revolutionary in its nature, by assuming to act without such authority. He thought it required but a very slight examination of the subject for them to arrive at the conclusion that, on all questions of legislation by Congress touching her condition, she is to be contemplated and regarded as a Territory, and not as a State. Not having complied with the terms of the act of Congress passed at the last session for her admission into the Union, she is not a confederate State. If she exists, then, as a State at all, it must be in the character of a foreign and independent sovereignty. To maintain a doctrine so absurd as this was, and so utterly subversive of the authority of the General Government over its territory, its advocates must, of necessity, be driven to admit the right of the people of a Territory to throw off the power of the General Government without its consent, and to establish an independent Government at their own will and pleasure. Whether a State may rightfully secede from the Union or not, is a question about which the ablest statesmen have differed; but that a Territory, having in itself no sovereignty, may rightfully withdraw from the authority of the Federal Government, (unless by that right acquired by successful revolution,) is a proposition so disorganizing in its tendency as to find scarcely a single advocate. It is true that Michigan has, for some time past, exercised the powers of a State, preparatory to her admission into the Union, which were simply permissive, and not by virtue of any rights she had as a State, independent of the authority of the General Government. She is, then, for all practical purposes, to be regarded in our legislation as still remaining in her territorial condition. If this opinion be correct, then the sanctuary of State rights, for which so many apprehen-

sions have been expressed, will not be invaded by our recognising the acts of the late convention, giving the assent of the people of Michigan to the terms proposed by the act of Congress. The honorable Senator from Delaware had argued to show that the legislative branch of a Government was to be regarded as the depository of the public will, and that in the States all power not prohibited by their constitutions might be exercised by their Legislatures; and deduces, as a consequence from the principles which he contended for, that the assembling of a convention in Michigan, without authority from her Legislature, was irregular and of revolutionary tendency. This doctrine (said Mr. B.) was, in his opinion, radically wrong, and had led to many of the erroneous conclusions which had characterized the present discussion. The legislative branch of a State Government was to be considered the depository of the public will of the people, represented by it only for certain purposes, and to the extent of the powers conferred on it by the constitution under which it acted. All other powers resided in the great body of the people, in which exists the ultimate authority and sovereignty of a State. The constituted authorities of a State, no, not even a convention itself, possess no inherent power of sovereignty, and each are but the mere agents of the people, who constitute the sovereignty. It is therefore derogating rather too much from this power of the people of a State to claim for their Legislature the right to direct them when and how they shall proceed to assemble in convention. It strips the sovereign power of one of its highest and most powerful attributes, and leaves it at the will of the agent created by it to decide when it may rightfully exercise that power. In some of the States the power is expressly given to their Legislatures to decide when a convention shall be called, and to provide for the manner of calling the same. This, of course, is a restriction by the people of those States, imposed by themselves, on their original right to assemble in convention through the instrumentality of primary assemblies, and which they are constitutionally bound to observe. But no such restriction can be alleged as existing in the constitution of Michigan, to prevent her people from assembling in convention spontaneously, for the purpose of expressing her willingness to come into the Union on the terms proposed by Congress. Her constitution points out the manner in which future amendments to that instrument are to be made; but no mode is prescribed by it as to the manner in which her people are to assemble in convention for the purpose of being admitted into the Union as a State. As her people never have conferred on any of her public functionaries this power, it, of course, remains among them, as belonging to that class of residuary powers with which she has never parted. If, sir, (said Mr. B.,) this reasoning be correct, the people of Michigan have rightfully exercised the power of calling a convention through their primary assemblies—a right consecrated by the principles of the Revolution, and from the exercise of which some of the oldest, if not the wisest, State constitutions had sprung into existence. In determining this question, he thought it their duty, as statesmen, to disencumber it of mere questions of form, and to ascertain substantially what was the will of the people of Michigan in reference to their admission into the Union. All the facts before them went to prove, most conclusively, that it was not only the will of a majority of them to obtain admission into the Union, but that there was almost entire unanimity of sentiment among her citizens in favor of it. Had a single remonstrance been presented from any part of that Territory against the proceedings of her convention? No, not a single voice had been heard from that quarter opposed to it. Her citizens, therefore, could not feel otherwise than greatly indebted to those who had come forward as her guardians here to protect her from the dire calamities of being admitted to a participation of the benefits of our happy Union! For himself, he had always been taught to consider it as a measure of no ordinary advantage to the people of a Territory to be raised from a state of territorial dependence to the elevated condition of a sovereign State of our confederacy. If we were about to do an act which might operate to restrain the privileges of her people, then it would behoove us to construe strictly the powers under which we act. While the rule of construction which he had just laid down was applicable to such a case as the one adverted to, the opposite rule of giving a liberal interpretation to our powers was equally obligatory where the object was to enlarge the privileges of the citizen. In other words, he considered it to be not only a safe rule in practice, but one demanded by our free institutions, in deciding on questions in which the rights of the citizen are involved, whether in courts of justice or legislative bodies, to give a construction to the power under which they act that will rather favor than abridge the rights.

Mr. B. said that the Senator from South Carolina, [Mr. PRESTON,] and his honorable coadjutor from Ohio, [Mr. MORRIS,] had expressed great horror at the proceedings of the convention in Michigan, and, coupling them with some other proceedings which have lately occurred in several of the States, have denounced each in no very measured terms. They think they see, in what they have chosen to characterize as tumultuary assemblages of the people, the overthrow of law and order, and the prostration of all regular government. The Senator from Ohio told us that he had heard here many very extraordinary things in the course of this debate; and he (Mr. B.) would take leave to add that the Senator had also said some very extraordinary things in the course of the observations which he had made. He did not himself entertain the same fears of the great body of the people which seemed so much to excite the alarms of some honorable gentlemen. On the contrary, it had been proven, not only by experience in this country, but in almost every other civilized nation, that the great body of the people are, in most instances, more inclined to acquiesce in wrongs than to resist them; and that, in nine times out of ten, when driven to physical resistance, it is because every other means of redress have failed. The doctrines which had been advanced were identical with those in which had originated the alien and sedition laws.

The federal party of that day, as now, (though under a different name at the present day,) believed, or affected to believe, that popular liberty would degenerate into licentiousness, and prove incompatible with the existence of regular government. In this distrust and jealousy of the great body of the people, by the federal party, originated that celebrated law. Although its authors had long since been expelled from power, and their doctrines stamped with public reprobation, the same spirit yet existed, and he regretted that it had made its appearance again in this debate. It was but the revival of the exploded heresies of that day, brought forward under new auspices, and under new party names. The party of that day, as their disciples now do, arrogated to themselves all the intelligence and wisdom of the country, and expressed all the apprehensions from popular violence to our institutions that we now hear. When the famous judiciary law, passed by the federal party in the last moments of their expiring authority, was about to be repealed under the administration of Mr. Jefferson, the same fears were expressed which we now hear, that constitutional liberty would fall a victim to popular violence. The people did repeal the law, through their representatives, and yet the country had continued to enjoy all the rights secured to

it by the constitution, and none of the evils predicted had been realized. Sir, (said Mr. B.,) to those who are in the habit of speaking disparagingly of the intelligence of the great body of the people, it is sufficient to point them to the condition of the country to disprove the charge. It is to that public intelligence that we are indebted for what it is. It is under the guidance of that public will that it has attained its present unexampled prosperity. In instituting a comparison between that public intelligence which is so often derided and the political wisdom of that party who underrates it, a marked superiority must be acknowleged as due to the former. On the one hand, the party claiming a monopoly of all the wisdom of the country, as numerous instances attest in our history as a nation, have often attempted to ingraft on our institutions principles hostile to our form of government; while, on the other, the patriotism and intelligence of the American people have constantly interposed to preserve them in every great emergency. What, he would ask, would have been the condition of our country, in all probability, at this day, if its political destinies had been continued in the keeping of that party who, in their own imagination, have all the sagacious statesmen, and are almost exclusively endowed by Providence with the gifts of intellectual greatness? Let the systematic efforts made by their leading statesmen, when in power, to introduce a system of administration into our Government, modelled on the plan of the English monarchy, answer. Let the fate of those countries in which the energy of the popular will had been broken down by the ascendency of titled orders answer. From the picture of what it most probably would have been under such auspices, the friends of republican government were cheered and animated in contemplating what it is under the safer and wiser auspices of that general intelligence which, united, forms the public will.

The honorable gentleman from South Carolina [Mr. PRESTON] has expressed, in strong terms, his abhorrence of the doctrine contained in a letter lately published in the newspapers of the United States, and written by a distinguished gentleman, recently a member of this body. He had characterized them as disorganizing and of revolutionary tendency. In this he has been followed, much in the same strain, by the gentleman from Delaware, [Mr. BAYARD.] Mr. B. could not but feel some surprise at their course in bringing into discussion questions having no bearing on proceedings here, and such as were connected alone with the domestic strifes of the States in which they had originated. He felt more especially surprised that gentlemen professing such a sacred regard for, and claiming, as some of them seemed to do, almost the exclusive guardianship of State rights, should be found invading the limits of Pennsylvania and Maryland, for the purpose of mingling in controversies which they were in no way called on to decide. He must be permitted to say that their course on this occasion was but a poor practical commentary on their doctrines. In the remarks which he should make on this subject, he but followed the example which had been set him. The gauntlet had been thrown down, and he, for one, was ready to join issue with gentlemen on the important question raised in the letter which had been so strongly denounced. He had the pleasure not only of a personal acquaintance with Mr. Dallas, the writer of the letter, but he flattered himself that he also enjoyed a portion of his personal friendship. Little could he have supposed that a gentleman universally respected for his mild and urbane manners in private life, and distinguished for wise and prudent deliberation as a statesman, would have been held up, here or elsewhere, as a revolutionist. Had it come to this: that a citizen of this republic could not express an opinion in favor of the right of the people of a State to abolish a bank charter, acting through a convention, in their sovereign capacity, without subjecting himself to the charge of aiding to produce a revolution? Were bank corporations to be considered as imbodying in themselves the sovereign authority of the State, that it was thus dangerous to call in question their rights to existence, independent of the will of the people, whose legislative agents had created them? Gentlemen who entertain such exalted opinions of their attributes, he would say, carried their reverence much further than he could agree to do. They were opinions better suited, he would say, to the subjects of arbitrary Governments than to the citizens of a free republic.

Mr. B., without undertaking to defend all the arguments contained in this much-denounced letter, some of which he did not then recollect, not having the letter before him, would take occasion very explicitly to declare his hearty and entire concurrence in the main conclusion drawn from them. That conclusion asserted the right of the people of Pennsylvania, acting through a convention, in their sovereign capacity, to annul and abrogate the charter lately granted by the Legislature of that State to the Bank of the United States, for the term of thirty years. He well knew the ingenious subterfuge by which professional astutenes had sought to escape from the force of this, to his mind, plainly-established conclusion, by endeavoring to take shelter under that part of the constitution of the United States which declares that "no State shall pass any law impairing the obligation of contracts." To maintain that bank charters are "contracts," and thus to draw them within the meaning of that term, as employed in the constitution of the United States, the advocates of the doctrine that they are irrevocable by any authority have been driven to advance subtleties and refinements better suited to that age of ecclesiastical ingenuity in which the statutes of mortmain were sought to be evaded by that order of men, to perpetuate their ascendency, than to the present day of enlightened constitutional freedom. He did not believe that any of the eminent writers on law in England, in defining the nature and powers of corporations, had ever considered their charters in the nature of contracts between the sovereign authority granting them and the individuals of which they were composed. On the contrary, they had been uniformly treated by them as artificial bodies, to whom certain privileges and franchises are granted, for the purpose of doing that which they could not do in their individual capacities. Nor did he believe that any authority could be found among the American law writers, previous to the adoption of the present federal constitution, which maintained the doctrine that bank charters granted by the States were in the nature of contracts between the States and the individuals to whom they were granted. The universally received opinion before, that they were mere privileges or franchises, granted by the State or sovereign, is a most conclusive proof to show that the modern invention of the doctrine that they are contracts is an afterthought, a mere device, intended, by a change of phrases, to suit the case to the terms of the constitution, and to bring it to bear against State authority, in favor of the perpetuity of corporations. Mr. B. said, to his mind, the doctrine that a State, in its high and sovereign capacity, was absolutely impotent to rid itself of a great moneyed corporation, chartered for a term of thirty years, was a monstrous heresy, and, in his judgment, better suited to the notions of popular rights which prevailed in the arbitrary reign of the Stuarts, or to those of the Polignacs of France, than to an American statesman. No matter how absolutely certain they may be that such an institution may insinuate its power into every part of their State, and, when firmly fixed, prove utterly destructive to their liberties, yet, according to this doctrine, they have no power to relieve themselves,

and their condition is irremediable, save only what is to be accomplished by the tardy efflux of time. In other words, it draws after it the startling consequence, that the mere temporary agents of the people, appointed to legislate for them, may contract away the rights of the supreme power of the State, and that supreme power, no matter how improvident the act, no matter how ruinous in its consequences, no matter how much in opposition to the public will, yet submission to it, without the hope of peaceable redress, is to be their unalterable doom! If this can be done for thirty years, why not for five hundred? If for five hundred, why not in perpetuity? Such are the absurd consequences into which the advocates of this doctrine are inevitably driven; a doctrine the practical effect of which is to put aside the will of the supreme authority of a State, and to substitute in its place a Government of corporations! Nothing, he said, appeared to his mind more strikingly preposterous than the idea that a State, which may change or abolish its fundamental law at pleasure, which may pull down and reconstruct, in such way as it chooses, the legislative, executive, or judiciary departments of its Government, cannot exercise the power of abolishing a charter created by an act of its Legislature. It has often been contended that a judge appointed during good behaviour held his office in the nature of a contract between himself and the State, he, on his part, undertaking to perform certain duties in consideration of a fixed salary, to be paid by the State; yet few, if any, had been bold enough, in any of the States, to deny that a convention of the people could abolish the office, if it was their pleasure to do so. If they possessed the power to do the one, which power had been in many instances exercised in different States, it seemed to follow, as a necessary consequence, that they were competent to do the other.

Mr. B. said, conceding for a moment to the advocates of this doctrine, that privileges granted to banking corporations were in the nature of contracts, yet he contended that it was of the very essence of those contracts, and an implied condition which entered into them when made, that the people in their sovereign capacity could dissolve them when they saw fit so to do. This original right of the people of a State to judge of and abolish such measures as they may deem destructive of their liberties or happiness, is a principle which lies at the root of popular institutions; and, if surrendered, converts the Government of a State substantially into an oligarchy. If this doctrine were once established, then the citizens of a State, under our confederacy, would be, in that respect, in an infinitely worse condition than the subjects of the English monarchy. There the Parliament may dissolve corporations, in virtue of its legislative power, when, in its opinion, they are of mischievous tendency in respect to the public interests. And yet in no country on earth had the doctrine in favor of vested rights been carried further than in that. There the subject may be relieved, by the power of Parliament, from the burden of a corporation deemed ruinous to the public interests; but here the citizen, according to this modern doctrine, can find no relief, not even in a convention of the people.

No, one, he said, entertained a more sacred regard for the rights of private property than himself. It was the imperative duty of Government to protect it against either fraud or violence. The power contended for, to revoke charters, involved no such consequence. An act granting charters of incorporation was not a grant of property to the corporators, but simply a grant of privilege. Its repeal did not take from them their money or other property, but took from them merely the privilege to use it in a corporate capacity. It was undoubtedly the duty of the State to restore, in such events, whatever sum of money may have been paid it for such privilege.

While he felt the most sacred regard for the rights of private property, and believed that in no country was it more secure than in this, yet he could not but express his strong repugnance to the extravagant and alarming claims set up in behalf of individuals holding official stations, and in behalf of chartered companies, under the plea of vested rights. If the extravagant extent which is contended for it of late is acquiesced in, it was quite clear to his mind that the people, under this ingenious device, would soon be divested of the greater portion of their rights. In proportion as the wealth of the country increased, the advocates of this doctrine were becoming more and more emboldened in their claims to power. Doctrines scarcely ventured to be hinted at some years ago are now openly asserted, and those who consider it their duty to oppose them are denounced with overweening insolence as disorganizers and revolutionists. It is but an exhibition here of the same spirit that is to be found making war against popular rights on the other side of the Atlantic. It is the same spirit here, advocating the extension of the doctrine of vested rights, that is heard raising its voice there in behalf of prescriptive rights, established church, and titled orders. An alarm is attempted to be gotten up by the advocates of these extraordinary doctrines, (said Mr. B.,) by raising the cry that the rights of property are in danger. How, he would ask, and by whom, are they endangered? The great body of the agricultural community are infinitely more interested in the value and amount of property owned throughout the country, than all the stockjobbers and moneyed corporations put together. The great body of the people are therefore, at least, as much concerned in preserving law, order, and the rights of property, as those who vainly imagine that they themselves constitute the country. If there be any class of revolutionists in this country, it is not those who stand up in behalf of its ancient rights, against the new claims to power set up under the plea of vested rights, but they are the practical revolutionists who endeavor to subject the Government of the people to a Government of corporations.

The remedy proposed by Mr. Dallas was in strict accordance with law and order. It was neither revolutionary in its principles, nor did it in the remotest degree resemble nullification. It did not maintain that a convention, in deciding on the powers of corporations, would execute its own decisions, independent of all other authority. On the contrary, it expressly looked to and acknowledged the Supreme Court of the United States as the tribunal possessing competent power to settle and adjudicate the case which might arise out of this question This much, Mr. B. said, he had deemed his duty to say, in defence of principles that he considered of vital importance, not to one State alone, but to all, and in defence of an absent gentleman, whose opinions he thought had been most uncourteously and unwarrantably assailed on that floor. He had too much respect for himself, as well as the State of Pennsylvania, to volunteer any opinion of his as to the course she ought to pursue. He had only argued to show what power a State might exercise rightfully in such a case; he not had expressed an opinion as to what she ought to do.

The honorable gentleman from South Carolina, [Mr. PRESTON,] and most of those who had followed him on the same side in this debate, after characterizing the proceeding which he had just reviewed as revolutionary and disorganizing, and likely to lead to the overthrow of regular government, endeavored to trace back the causes to the doctrines of the party friendly to the present administration, and to hold them accountable to the country for the consequences. Mr. B. said that he must be permitted to say that lectures from that quarter on law and order came with no very good grace. From whom, he would ask, were the friends of the administration to be now in-

structed in the propriety of good government, and the necessity of maintaining law and order? If he mistook not, some of the same gentlemen now kindly proffering this instruction took upon themselves the character of political missionaries in the memorable panic session; and, leaving their seats in this chamber, were heard in the cities of Philadelphia and Baltimore, encouraging popular assemblies to open resistance to the constituted authorities of the country, by the most impassioned appeals to their feelings. It was on those occasions that the Chief Magistrate of the nation was denounced as a "usurper" and "lawless tyrant." It was on those occasions that it was declared that there were no "Sabbaths in revolutions," and the constituted authorities held up more as objects fit for public vengeance, than deserving respect and obedience. He congratulated gentlemen on their recovery of notions more favorable to regular government and good order, and trusted that the change would not prove of momentary duration, but permanent. He, however, must protest, for one, against instructions from that quarter, either as to the one or the other.

Mr. B., in conclusion, begged pardon of the Senate for having digressed, in the course of his remarks, into the discussion of questions not strictly relevant to the subject before them. The introduction of these topics by gentlemen on the other side of the question, and the important bearing they had sought to give them, would, he trusted, furnish his apology, and acquit him and his friends of having on this occasion gratuitously introduced them.

Mr. NILES said that he hoped the Senate would not be alarmed at his rising, as he had no intention of going into a general discussion of the subject before the Senate, which, he had reason to suppose, was tired of the debate, and anxious for the question. It was not his purpose to detain the Senate by any regular argument, even upon what appeared to him to be the real question before them, and much less to discuss the numerous topics which had been drawn into the debate. Of the politics of Pennsylvania, or Maryland, he had no wish to speak; his only object was to submit a few remarks on one point, somewhat connected with the subject before the Senate, and which involved a fundamental principle in our institutions. Mr. N. said he had witnessed the course this debate had taken with some surprise; great principles had been drawn into discussion, not necessarily belonging to the subject, and sentiments expressed, and doctrines maintained, which he had heard with no small degree of astonishment and regret; he could hardly realize that he was in the American Senate, and at this enlightened period when the principles of free Governments were supposed to be well understood and well settled. In view of what he had witnessed in this debate, he felt it his duty to allude to a fact which, whether agreeable to hear or not, he believed ought not to be entirely overlooked. Sir, said Mr. N., for some years past the American Senate, the most important branch of this Government, a co-ordinate branch of the Legislature, and possessing a portion of the executive and judicial authority, has not enjoyed the confidence of the people of the United States; and he feared, greatly feared, that what had taken place on the bill before us was not calculated to increase or strengthen the public confidence. Are we to be told that the people have decided inconsiderately, rashly, and unjustly? This will not do. Unless he was entirely mistaken, the principles which had been asserted, and the doctrines that had been so strenuously maintained, would be received with some astonishment by the people of this country.

The question before the Senate he regarded a very simple one; it was really a question of fact; merely, whether the condition of the act of Congress of last session, providing for the admission of Michigan into the Union, had been complied with. In considering this question, gentlemen had gone into the first principles of government, and made what he regarded a bold attack on popular power, on the fundamental principle of popular sovereignty, which lies at the foundation of all our institutions. These doctrines were rather antiquated; they belonged to the school of the restoration in England, and the political writings of Sir Robert Filmore; they were the present doctrines of the conservatives in all the Governments in Europe, of the advocates of arbitrary power, and of existing abuses, however flagrant. But in this country it was not necessary to trace them so far; it was not necessary to go back beyond the memorable period of '98; they were the doctrines of that day, of the period in our political history which has been appropriately called the "reign of terror." Is it supposed that the principles and spirit of '98 and '99 can be revived? Is it supposed that, instead of having advanced, we have retrograded in political intelligence, and in a just understanding of the principles of free government?

What were the doctrines of that day--the doctrines to which the alien and sedition laws, and other kindred measures, owed their origin? He would refer the gentlemen to them, and the speeches by which they were attempted to be maintained. The speeches we have heard are of the same character, maintaining the same principles and breathing the same spirit; but it will be no disparagement to any one who has taken part in this debate to say, that the heresies of that day have not been defended with more spirit or ability now than they were then. Then their advocates were able, experienced, talented, distinguished, and illustrious men; one of them bearing an intimate relation to the Senator from Delaware. They put forth their whole strength, and staked their all, politically—the ascendency of their party and their individual prospects—on the support of the same doctrines we have heard mentioned on these occasions. But they failed, and the cause of democracy triumphed.

And what were those doctrines? They were, that the people could not be trusted; that they were their own worst enemies; that all the disorders, real or imaginary, that prevailed, were attributable to a wild spirit of democracy--to popular phrensy. An honest but fearless expression of opinion, concerning men and measures, was denounced as a spirit of insubordination, disorganization, and rank jacobinism. A distinguished leader of that party, now no more, belonging to a neighboring State to his own, a gifted son of genius, a brilliant star in the constellation of that day, whose impassioned, fervid, and glowing eloquence has never been surpassed in the halls of Congress, declared what were the evils and the remedy. I allude, (said Mr. N.,) to Fisher Ames. He declared that the disease which threatened general and universal ruin to our institutions and our future prospects was rooted deep; that it had found its way into the very hearts of the people. This disease was democracy; it was the will and sovereignty of the people. "It was not that the skin was blistered, but their very bones were carious." Yes, the people were corrupt, even to their bones. In his fertile and vivid imagination, he conjured up and predicted greater evils for his country, which were to flow from this wild spirit of democracy, than have been portrayed on the present occasion. His country was to be visited with all the horrors of the French revolution; anarchy, confusion and bloodshed, were to desolate the land; and, in the federal visions of that day, the ghosts of Robespierre, Danton, and Marat, were seen flitting through our atmosphere. The disease of that period was democracy; the people were said to be rising up to overthrow the Government, and destroy those noble institutions which they themselves had established. And it was the aim of those in authority to put down that wild spirit of democracy by the

strong arm of power, and to maintain their authority, not through the public will, and as an emanation from it, but in opposition to it—in defiance of it. It was for this purpose that the alien and sedition laws were passed. And why is it (said Mr. N.) that these laws, and particularly the latter, have become a stench in the nostrils of the people; that for nearly forty years they have borne the stamp of universal reprobation upon their face—the deep and indelible stamp of infamy, which will go down to the latest posterity, or as long as there is a single spark of liberty in the hearts of the American people? Is the execration in which those laws are held to be charged to their being unconstitutional? Far from it. A large portion of the legislation of Congress has been charged with being in violation of the constitution; and the alien and sedition acts were declared to be constitutional, not only by Congress, but by the Executive and Judiciary. No; the infamy which has attached to those obnoxious acts did not proceed from their being unconstitutional, whether they are so or not. The people do not form opinions so unreasonably or unjustly. We must look for the cause of opprobrium to a different source—the true character and design of those laws. They were regarded as a premeditated and high-handed attack upon popular power; a deadly blow at the sovereignty of the people; a bold and daring attempt to overthrow the public will, to put down the popular opinion, and to rule the country regardless of it. They were considered as an attempt to change the very element of the Government, which is founded on public opinion, and convert it into a Government of force.

But that great scheme failed; and are its exploded, reprobated doctrines now to be revived? Are we now to be told that there is no political power remaining in the people? that, having established and put in operation Governments, they have parted with all political power whatever; that they cannot revise or new-model this form of government they have themselves established, unless in pursuance of a provision in the constitution, or in accordance with a law of the Legislature? This is maintaining that sovereignty resides in the constituted authorities, and not in the people at large; it is raising the creature above his creator, the agent above the principal. It is exalting the Legislature above, and making it independent of, the constituent body.

The constitutions of most of the States contain some provision for altering or amending them; some through the agency of a convention, and some otherwise. But such constitutional provision is not inconsistent with and cannot take away the right and power of the people, acting in their primarily original capacity, to change their system of government. This is a right which they have not delegated, and which, of course, must abide with the people at large. Conventions of the people may be called, and often are, in pursuance of a law of the Legislature; yet this is a mere matter of convenience. But does the law confer on them their power? That is the question. If it does, then a Legislature can grant to another body greater power than it possesses itself; even the power to change or destroy those very forms under which it exists; a power to destroy the Legislature itself. This is preposterous, and shows the absurdity of the principle contended for. If a convention does not derive its power from the Legislature, from whence can it derive it, except from the people? What is a convention? Is it not a body representing the people in their primary, elementary capacity, and wholly independent of the Legislature and constituted authorities? If this is not a true idea of a convention of the people, he should like to be informed what a convention is. The Senator from South Carolina [Mr. PRESTON] asks, who and what are the people? He was surprised at such an inquiry from any quarter, and still more that it should come from one who has had so much to do with conventions, and attempts to call forth the latent energies of State rights and popular power. He did not understand the Senator's answer to his own question, further than his declaration that he himself [Mr. P.] was one of the people. The inquiry, however, was, he thought, easily answered. The people, in one sense, are the whole population of a State; but in a political sense, the people were that portion of the population which possessed the political power in a State: it did not mean women nor children, but the whole body of citizens with whom the political power of a State resided.

He believed this to be the true theory of our Government; and he deemed it of the utmost importance that first principles should not be perverted. Is there any danger from this theory, which recognises the sovereign power as abiding in the people at large? On this point our judgment was not left without a guide, or forced to rest on arguments only. The State Governments had been in operation sixty years, and the Federal Union nearly half a century, which had shed a flood of light on the principles and tendencies of free institutions. Are we to shut our eyes against their influence, and still grope our way in the dark? Is the question settled, or is it yet in controversy, whether the people are safe depositories of power? On this question he would appeal to the experience of the last fifty years. Is the danger on the side of the people, or on the side of their political agents? Is power more dangerous with the many, or in the hands of the few? He would appeal to the history of the country the last half century to settle these questions. Are we to heed every false cry of alarm? One says, Lo! here is danger! Another says, Lo! there is danger! But what says experience? He who gives a wrong direction to the public mind, in regard to the source from whence danger is to be apprehended, does a real injury to the cause of freedom. From whence have come the evils which have existed, and the dangers that have threatened us? Have they sprung from the people, or from the abuse of the power and confidence intrusted to their agents, the constituted authorities, which we have just been told were the only safe depositories of power? Sir, said Mr. N., there have been periods of danger to our institutions, if not to the liberties of the country—periods of doubt, darkness, and gloom; when clouds springing up in the East, which spread until their length and breadth darkened our whole horizon, and charged with gathering and fearful thunderbolts, which threatened to burst upon our country with desolating fury. We have heard much in this debate of conventions of the people, of the Baltimore convention, of caucuses, and of the danger of these popular movements; but we have heard nothing of conventions not originating with the people; we have heard nothing of the Hartford convention. Sir, whatever may have been the guilt or the danger of that convention, and he believed there was much of both, it did not spring from the people, but from the Legislatures, the constituted authorities, those only safe depositories of power, of four or five States of this Union, where the people are distinguished for their sober, moral, and religious character. Shall we be told that the people approved and encouraged these proceedings? This, he knew, had been said; but the whole truth should be told. So far as the people did participate, they were stimulated and goaded on by their leaders, who composed the constituted authorities. Their passions were inflamed, their fears aroused, their cupidity stimulated, their prejudices appealed to, and every art and artifice resorted to, aided by a formidable array of talents, wealth, and official station, to deceive, mislead, and hurry along the people into their violent and factious measures. The people were not to blame; the guilt, be it more or less, must rest on the heads of

those who deceived and betrayed them. Sir, it was the people, a minority of the people, who, more than any other cause, arrested these rash and dangerous measures, moderated their violence, and checked their excesses. During that dark and gloomy period of the late war, that bold and honest minority (despised, insulted, and abused as it was) breasted the storm of faction at home, rallied around your Government here, and strengthened the arm of power, when weakened by wide-spread disaffection and frightful dissensions. He was proud to say that he was one of that minority.

Sir, (said Mr. N.,) at a more recent period there have been clouds in another quarter, which have lowered over us, portending evil to the republic. There have been disorders and conventions at the South; conventions originating from the State authorities, those safe depositories of power. He might speak of the character and danger of those proceedings, but he forbore. The bare allusion to them answered his purpose. He could speak with more freedom of transactions in his own section of the Union.

The doctrine which he was combating was at war with the great principles of the glorious American Revolution; and, if true, these States ought still to be colonies, and all of us subjects of Great Britain. He knew that was regarded as a revolutionary movement, but it was a revolution founded on the great principle of the right of the people to "throw off the forms to which they had been accustomed, and to provide new guards for their security"—the right to change or abolish their Government; and institute one more in conformity to their present wants. What is to be feared from the people? What motives have they to abuse the sovereign power? The danger to our institutions and liberties is not from the people, but from their agents, the constituted authorities, where alone it is said the sovereign power can safely be reposed. The danger is here, in these halls, and in the halls of the State Legislatures.

In regard to the particular question before the Senate, he had but a word to say. If there has been any thing wrong or dangerous on the part of the people of Michigan, the wrong originated here, and the blame is justly chargeable upon Congress. What they have done has been in pursuance of our own law. The act of last session, providing for the admission of Michigan into the Union, prescribes a condition, which was, that the boundaries we had given to the State should be assented to by the people of Michigan, through a convention of delegates to be chosen for that purpose. It is true the word "State" is used, but that was only descriptive, for Michigan was not then a State, in the ordinary sense of the term, although she was a State for certain purposes. The assent was to come from the people, and through a convention of delegates, to be chosen by them for that purpose. The act required to be done was altogether a popular act; it was to be an act of the people in their primary, original, elementary capacity, without any reference to any action on the part of the existing authorities of Michigan. Had the assent been given by the first convention called by the Legislature, he concurred with the Senator from Pennsylvania, [Mr. BUCHANAN,] in the opinion that it would have been valid, and a compliance with your law. The interference of the Legislature did not change the character of the convention; it was a convention of the people, and its assent would have been the assent of the people. But the interference of the Legislature was a mere matter of convenience or form; it did not alter the substance of the proceeding, for the convention could derive none of its powers from the Legislature; they came from the people, as the fountain and source of all political power. Your law had referred the question to them; and whether they held a convention according to a rule prescribed by the Legislature, or in some other mode, is of no importance. In either case, the question, and he thought the only question, is, have the people of Michigan given their assent? This is a mere question of fact. Was the convention of Ann Arbor a convention of the people of Michigan, and authorized to express their assent to the boundary? Of this he could see no reason to doubt; we have at least *prima facie* evidence that it was; there is, indeed, much stronger evidence of the fact. The circumstance that there is no opposition, no remonstrance, from any portion of the population of Michigan, was, to his mind, the strongest evidence that the second convention did emanate from, and truly represent, the people of Michigan, and had rightfully and properly given their assent to the boundary, as required by the act of Congress. He would apologize for having detained the Senate much longer than he intended, and thanked them for their attention.

Mr. CRITTENDEN said that this was the only bill he had seen in that Senate, during his term of service, which had a preamble attached to it. It was his opinion that it was wholly unnecessary. However, it was deemed necessary by some gentlemen, for the sake of some argument or elucidation, to insert the preamble; but why, or wherefore, he did not apprehend. Did this preamble, he asked, vary and alter the construction of the law? Was it not the same with or without it? Had he been present when the bill was reported, he would have opposed the adoption of the preamble, because it did not tell the truth, and the whole truth. It bore upon its face what the lawyers called a *suppressio veri*. Now, if the Senate were right in supposing that the convention of December last was a legitimate and constitutional assembly, and that its proceedings were valid and binding, did the striking out or retaining of the preamble affect the deliberations of the convention, one way or the other? He thought not. Michigan had precluded herself from no right by it, and a right would be binding upon her, whether the preamble should be retained or not. Was not that very clear? Then, why retain it? Gentlemen had much better lay it aside, and, by making no allusion to it, they would avoid all the questions upon which they had been so long debating. If there was to be a preamble at all, it was proper, as the Senator from Ohio [Mr. MORRIS] had said, that it should contain a true and complete history of the whole proceeding. He (Mr. C.) would vote for the preamble, provided all the facts were introduced; or, if the question should be made, he would vote for striking it out. He thought that all parties might consistently do that. He expressed his anxiety for the speedy admission of Michigan into the Union, and said that he was then prepared to vote for the bill, and trusted that gentlemen would concur with him in opinion, that there was no necessity for the insertion of a preamble.

Mr. FULTON said: Mr. President, it is not without reluctance that I ask the indulgence of the Senate at this late hour. After the full and able discussion to which I have been an attentive listener, and from which I have derived so much instruction, I feel incapable of shedding any new light upon the subject. But before the vote is taken upon the amendment proposed by the honorable Senator from Ohio to the preamble to the bill upon your table, I feel it to be my duty to state the grounds upon which I am compelled to vote for the bill, with the preamble proposed by the honorable chairman of the Judiciary Committee.

I owe my thanks, sir, to the honorable Senator from Kentucky, for bringing us back to the subject under discussion; and as I shall confine myself strictly to the points involved in the consideration of the bill upon the table, I desire not to occupy much of the time of the Senate, when its patience must be so nearly exhausted,

in presenting the grounds which shall determine my vote upon the question. My reason, sir, for preferring the original preamble to the bill is, because I consider that in this matter the United States stand in the attitude of a mediator between the sovereign State of Michigan on the one hand, and the States of Ohio, Indiana, and Illinois, on the other. I believe, sir, that the intervention of Congress at the last session, whether rightful or otherwise, has been the means of bringing to a happy termination a most alarming and difficult dispute on the subject of boundary between sovereign States, and which it is now our duty to maintain, by all the means in our power. If, sir, the amendment proposed by the honorable Senator from Ohio shall prevail, it will, to say the least of it, produce a doubt as to the binding force of the act of the State of Michigan, in which she has given her consent to the settlement of the boundary, as proposed to her by Congress. Believing, sir, that the sovereign power is in the people of Michigan, I hold them to be capable of making an entire new constitution; and to be able to do so without following the plan pointed out in her present constitution for amending that instrument. If the people of any State in this Union have adopted a constitution, by which they afterwards find they are grievously oppressed, it is their right, it is their duty, to annul it, in a peaceable manner if possible, and to adopt such a form of government as they may approve of. No people are free, no Government is democratic, when the great body of such people are forced to submit to be oppressed. But, sir, even admitting that such a change of Government as I have mentioned be considered revolutionary, yet is it not susceptible of being sanctioned and adopted by the sovereign power of the State, and all the validity given to it, as if it were lawful in its origin?

But, sir, I consider that the settlement of this boundary question has not changed the constitution of Michigan. It is true that the territory within which that constitution is to operate, as also the people to be governed by it, are somewhat changed; but the form of the Government itself is not altered in any respect whatever. I believe, sir, that it is in the power of a State to settle a question of boundary by commissioners, or in any other manner which she may authorize; and that, in the present instance, the people of Michigan have acted upon the question in their sovereign capacity, and have solemnly determined, by their delegates in convention, to surrender a disputed portion of her territory upon their southern border to the States of Ohio, Indiana, and Illinois; and have acquired a tract of country upon their northern border, over which the constitution of Michigan is now operating in full force; and that the country and the people included within the limits established by the last convention now constitute the State of Michigan. I am at a loss to perceive the object aimed at, in wishing to give importance to the proceedings of the convention which refused to act upon the boundary question. Its being convened by the majority of the representatives of the people cannot make it a more valid convention than the one convened by the authority of the people themselves. And, certainly, the last act of the people is the one which we ought to regard as most obligatory upon them at this time. I am aware, sir, of the difficulties which existed. This boundary question had well nigh involved the contending parties in civil war. The Federal Government had interposed, and had endeavored, by all the means in her power, to prevent bloodshed. She, perhaps, even claimed more power than she possessed, if she attempted to fix the boundaries of either a State or Territory, if such boundary had been previously established. She, however, was performing the part of a peacemaker, and in that sacred character we should regard her acts with the utmost liberality. I am, therefore, prepared to give to the act of the last session of Congress all the force it is possible to give it. Under existing circumstances, it is not to be wondered at that the people of Michigan at first refused to yield their consent. Excited as they were, and unwilling to give up a portion of territory they were anxious to hold, their consent to the change was difficult to obtain. After cool and mature deliberation, they did at last give their consent to the establishment of the boundary as it had been proposed to them. And, sir, can it now be questioned that the people of Michigan consider themselves bound by the act of the last convention which fixed their boundaries? Do we hear a murmur from any quarter? Have any portion of the people, however small, protested against the proceedings of that convention? Is there a single citizen of Michigan who asks us to disregard the boundaries it has established? Not one, sir, as far as I am informed.

Now, sir, believing, as I do, that Michigan was a sovereign State from the moment that Congress acknowledged her as such, and that she has been induced for the sake of peace, and also to obtain her weight in the councils of the nation, to consent to the establishment of the limits by which an unfortunate dispute is forever put to rest between her and three of her sister States, I am anxious that every thing shall be done on our part to secure the maintenance of the boundaries so established, and to quiet forever this distracting question. I wish to hold Michigan on the terms she has consented to, and to bind her to the observance of her limits, as established by the convention held at Ann Arbor. I am, therefore, extremely anxious that in the present action of Congress upon this subject we should show to the State of Michigan, (for, sir, I consider her in all respects an independent State, and capable of performing every act of sovereignty which the other States of this Union are capable of,) that we intend to hold her to the boundary she has now established. Michigan has fixed her boundaries as an independent State, and it therefore becomes our duty so to act in passing the bill to entitle her representatives to take their seats in Congress, as to prove to her that we consider her bound to adhere to the boundaries she has established. With these views, I shall support the preamble attached to the bill presented by the honorable chairman of the Judiciary Committee.

The question of boundary was one which properly belonged to the States and the Territory of Michigan, (if her boundaries had been permanently fixed,) who were interested in the question. But as the northern boundary of Michigan had not been established, Congress had the right to define her boundaries at any time before her independence was acknowledged. After that acknowledgment this right would have ceased but for the condition prescribed in the act of the last session of Congress; and, sir, the wisdom of that act is now fully proved by the happy consequences which are about to result from it.

I entertain some views, Mr. President, in relation to the admission of States into the Union, which perhaps are different from those of others. The territory of the United States comprehends all that portion of country included within the limits of the United States, and all the inhabitants within those boundaries are American citizens, and citizens of the Union. Whenever a portion of this territory, with the people inhabiting it, are organized into a territorial form of government, a dependent State is created by the Government of the United States. These citizens lose none of their rights as American citizens, excepting that they consent, by submitting to be citizens of a dependent State, to a temporary denial of certain privileges which they would have a right to exercise if they were citizens of an independent State. They are formed into a separate community; their limits are, or ought to be, defined, and the right of jurisdiction within

those limits is surrendered to them; they are vested with legislative power, and, by degrees, are invested with all the powers of self-government. A compact is thus entered into between the parent Government and the dependency, by which the rights and privileges of the citizens of the latter become so completely vested, that any act on the part of the parent Government, changing the limits or abridging those rights, powers, and privileges, secured to them by the compact, or organic law, would be such an act of injustice as would justify resistance on the part of the dependency. This embryo State, sir, the moment the parent Government releases her from the obligations imposed by the organic law, and authorizes her to form for herself her fundamental law, and establish her own form of government, becomes an independent State; and being within the limits of the United States, and her citizens being American citizens, she becomes also a member of the confederacy. The United States have only to see that her form of government is republican, and the State, in making her constitution, forms it as a member of the confederacy, under the obligations imposed by the constitution of the United States.

To admit a foreign State, Congress could not act upon the subject unless she presented herself with a republican form of government; but of what avail is it for Congress to examine the constitution of a State composed of American citizens, who owe allegiance to the Federal Government, and who are bound, in forming their constitution, to make it in strict conformity to the requirements of the federal constitution? A State, in making or altering her constitution, does so at her peril; and our only security against a violation of the constitution in this particular by any of the States of this confederacy is, that the United States are bound to see that the constitutions of all the States are republican.

I consider, Mr. President, that the delay which has taken place, in the acknowledgment by Congress of the rights of Michigan, is an act of great injustice to her. I consider, sir, that we have nothing to do but to acknowledge her rights, and that every moment this is delayed we are threatening the integrity of the Union. If we reject her now, or longer refuse to her Senators and Representative their right to their seats in the two branches of Congress, we will be guilty of an act calculated to bring about a dismemberment of this happy Union. We have surrendered to her the right of domain, and the sovereignty of the soil within her limits; and if we continue to persist in an attempt to bind her by laws which she has no part in making, she will be justified in setting herself up as an independent foreign Power; and in claiming the right of property to all the public lands within her limits, and in throwing open her ports to all the world. This, sir, is the dilemma in which we will place ourselves, by refusing to acknowledge the rights of Michigan. Let us, then, hasten the final action upon this subject, and pass, without further delay, the bill upon your table.

The question was then put on Mr. MORRIS's amendment to the preamble of the bill, and decided in the negative, by yeas and nays, as follows: Yeas 18, nays 23.

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Sevier, Southard, Swift, White—18.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Strange, Tallmadge, Tipton, Walker, Wall, Wright—23.

So the amendment to the preamble was rejected.

Mr. SOUTHARD moved to strike out the preamble; which motion was rejected: Yeas 16, nays 25—as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Kent, Knight, Moore, Morris, Prentiss, Preston, Robbins, Southard, Swift, White—16.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, Wright—25.

Mr. CALHOUN moved to strike out the preamble, and insert, in lieu thereof, a section repealing the conditions imposed on Michigan by the act of the last session, as to her assent to the boundary prescribed in that act.

On submitting this motion, Mr. CALHOUN moved that the Senate adjourn, in order to allow him an opportunity of addressing the Senate in its support the next day.

This motion was lost: Yeas 13, nays 24—as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Davis, Kent, King of Georgia, Knight, Moore, Parker, Prentiss, Robbins, Southard, Swift—13.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, Wright—24.

The question was then taken on Mr. CALHOUN's amendment, and it was lost: Yeas 12, nays 25—as follows:

YEAS—Messrs. Bayard, Calhoun, Davis, Kent, Knight, Moore, Morris, Prentiss, Robbins, Southard, Swift, White—12.

NAYS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, Wright—25.

Mr. WHITE, of Tennessee, said that when this bill had been before the Senate at the last session, he had voted against it; but at that time a bill was pending before the other House to settle the northern boundary of the State of Ohio; and as the same line which constituted the northern boundary of Ohio would be the southern boundary of Michigan, he was one of those who thought that Michigan ought not to be admitted as a State till that boundary was settled. While Michigan remained a Territory, Congress had power to settle the dispute, and assign her limits, but let her once be admitted as a State, and Congress would lose that power. As it could not be known with certainty whether the bill then pending in the House of Representatives would become a law or not, and as he was obliged to vote in the meanwhile, he could not reconcile it to his views of propriety to receive Michigan while the boundary question remained open.

The bill settling the boundary, however, did pass, eventually, into a law, and was approved on the 23d June. He approved of that bill, because he believed that Congress had power to fix the boundary, and that it was wise to do it. That question having been settled, the case now presented itself under a different aspect. He had been opposed to the preamble of the present bill, because, to say the least, he considered it doubtful whether the facts there recited were really so. He had been in favor of the first amendment of the preamble. That having been rejected, he had then voted to strike the preamble out of the bill, but had failed in that also. Having then recorded his vote against the reasons put forth by the majority in the preamble in support of the bill, he was now called upon to vote on the question of its final passage, and unless he saw further reason to change his opinion, he should vote in the affirmative. He should receive Michigan, however, not for the reasons contained in the preamble, for that was no part of the law, nor did he agree to those reasons; but on

grounds which, entirely independent of that preamble, were such as satisfied his mind. The only effect of the preamble was to try to bind the State of Michigan by her own consent; but, for himself, he believed that Congress having settled the boundary line, it was vain to attempt to compel the new State to receive it against her consent. He believed that a majority of the people, if free from duresse, would never consent to that boundary; he hoped, however, that the State being once admitted, the dispute would end. If, however, she should unhappily renew the contest, it seemed a hopeless case. Yet it appeared to him unjust to bind a State, in the act of its admission, to consent to that to which, if left free, the State would never agree. Having thus explained the reasons of his vote, he should give it in favor of the bill.

The question being thereupon taken, the bill was ordered to be engrossed for a third reading: Yeas 27, nays 4—as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, Wright—27.

NAYS—Messrs. Bayard, Calhoun, Davis, Prentiss—4.

The Senate then adjourned.

THURSDAY, JANUARY 5.

ADMISSION OF MICHIGAN.

The engrossed bill to admit Michigan into the Union having been read a third time, and the question pending being upon its passage,

Mr. CALHOUN addressed the Senate in opposition to the bill.

I have (said Mr. C.) been connected with this Government more than half its existence, in various capacities, and during that long period I have looked on its action with attention, and have endeavored to make myself acquainted with the principles and character of our political institutions, and I can truly say that within that time no measure has received the sanction of Congress which has appeared to me more unconstitutional and dangerous than the present. It assails our political system in its weakest point, and where, at this time, it most requires defence.

The great and leading objections to the bill rest mainly on the ground that Michigan is a State. They have been felt by its friends to have so much weight, that its advocates have been compelled to deny the fact, as the only way of meeting the objections. Here, then, is the main point at issue between the friends and the opponents of the bill. It turns on a fact, and that fact presents the question—is Michigan a State?

If (said Mr. C.) there ever was a party committed on a fact, if there ever was one estopped from denying it, that party is the present majority in the Senate, and that fact, that Michigan is a State. It is the very party who urged through this body, at the last session, a bill for the admission of the State of Michigan, which accepted her constitution, and declared in the most explicit and strongest terms that she was a State. I will not take up the time of the Senate by reading this solemn declaration. It has frequently been read during this debate, and is familiar to all who hear me, and has not been questioned or denied. But it has been said there is a condition annexed to the declaration, with which she must comply, before she can become a State. There is, indeed, a condition, but it has been shown by my colleague and others, from the plain wording of the act, that the condition is not attached to the acceptance of the constitution, nor the declaration that she is a State, but simply to her admission into the Union. I will not repeat the argument, but, in order to place the subject beyond controversy, I shall recall to memory the history of the last session, as connected with the admission of Michigan. The facts need but to be referred to, in order to revive their recollection.

There were two points proposed to be effected by the friends of the bill at the last session. The first was to settle the controversy, as to boundary, between Michigan and Ohio, and it was that object alone which imposed the condition that Michigan should assent to the boundary prescribed by the act, as the condition of her admission. But there was another object to be accomplished. Two respectable gentlemen, who had been elected by the State as Senators, were then waiting to take their seats on this floor; and the other object of the bill was to provide for their taking their seats as Senators on the admission of the State; and for this purpose it was necessary to make the positive and unconditional declaration that Michigan was a State, as a State only could choose Senators, by an express provision of the constitution; and hence the admission was made conditional, and the declaration that she was a State was made absolute, in order to effect both objects. To show that I am correct, I will ask the Secretary to read the third section of the bill.

[The section was read accordingly, as follows:

"SEC. 3. *And be it further enacted*, That as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union, as one of the United States of America, on an equal footing with the original States in all respects whatever, shall be considered as complete, and the Senators and Representative who have been elected by the said State, as its representatives in the Congress of the United States, shall be entitled to take their seats in the Senate and House of Representatives, respectively, without further delay."]

Mr. CALHOUN then asked, Does not every Senator see the two objects—the one to settle the boundary, and the other to admit her Senators to a seat in this body; and that the section is so worded as to effect both, in the manner I have stated? If this needed confirmation, it would find it in the debate on the passage of the bill, when the ground was openly taken by the present majority, that Michigan had a right to form her constitution, under the ordinance of 1787, without our consent; and that she was, of right, and in fact, a State, beyond our control.

I will (said Mr. C.) explain my own views on this point, in order that the consistency of my course at the last and present session may be clearly seen.

My opinion was, and still is, that the movement of the people of Michigan, in forming for themselves a State constitution, without waiting for the assent of Congress, was revolutionary, as it threw off the authority of the United States over the Territory; and that we were left at liberty to treat the proceedings as revolutionary, and to remand her to her territorial condition, or to waive the irregularity, and to recognise what was done as rightfully done, as our authority alone was concerned.

My impression was, that the former was the proper course; but I also thought that the act remanding her back should contain our assent in the usual manner for her to form a constitution, and thus to leave her free to become a State. This, however, was overruled. The

opposite opinion prevailed, that she had a perfect right to do what she had done, and that she was, as I have stated, a State, both in fact and right, and that we had no control over her; and our act accordingly recognised her as a State, from the time she had adopted her constitution, and admitted her into the Union on the condition of her assenting to the prescribed boundaries. Having thus solemnly recognised her as a State, we cannot now undo what was then done. There were, in fact, many irregularities in the proceedings, all of which were urged in vain against its passage; but the presidential election was then pending, and the vote of Michigan was considered of sufficient weight to overrule all objections, and correct all irregularities. They were all accordingly overruled, and we cannot now go back.

Such was the course and such the acts of the majority at the last sesion. A few short months have since passed. Other objects are now to be effected, and all is forgotten as completely as if they had never existed. The very Senators who then forced the act through, on the ground that Michigan was a State, have wheeled completely round, to serve the present purpose, and taken directly the opposite ground! We live in strange and inconsistent times. Opinions are taken up and laid down, as suits the occasion, without hesitation, or the slightest regard to principles or consistency. It indicates an unsound state of the public mind, pregnant with future disasters.

I turn to the position now assumed by the majority, to suit the present occasion; and, if I mistake not, it will be found as false in fact, and as erroneous in principle, as it is inconsistent with that maintained at the last session. They now take the ground that Michigan is not a State, and cannot, in fact, be a State, till she is admitted into the Union; and this on the broad principle that a Territory cannot become a State till admitted. Such is the position distinctly taken by several of the friends of this bill, and implied in the arguments of nearly all who have spoken in its favor. In fact, its advocates had no choice. As untenable as it is, they were forced on this desperate position. They had no other which they could occupy.

I have shown that it is directly in the face of the law of the last session, and that it denies the recorded acts of those who now maintain the position. I now go further, and assert that it is in direct opposition to plain and unquestionable matter of fact. There is no fact more certain than that Michigan is a State. She is in the full exercise of sovereign authority, with a Legislature and a Chief Magistrate. She passes laws; she executes them; she regulates titles; and even takes away life—all on her own authority. Ours has entirely ceased over her; and yet there are those who can deny, with all these facts before them, that she is a State. They might as well deny the existence of this hall! We have long since assumed unlimited control over the constitution, to twist, and turn, and deny it, as it suited our purpose. And it would seem that we are presumptuously attempting to assume like supremacy over facts themselves, as if their existence or non-existence depended on our volition. I speak freely. The occasion demands that the truth should be boldly uttered.

But those who may not regard their own recorded acts, nor the plain facts of the case, may possibly feel the awkward condition in which coming events may shortly place them. The admission of Michigan is not the only point involved in the passage of this bill. A question will follow, which may be presented to the Senate in a very few days, as to the right of Mr. Norvell and Mr. Lyon, the two respectable gentlemen who have been elected Senators by Michigan, to take their seats in this hall. The decision of this question will require a more sudden facing about than has been yet witnessed. It required seven or eight months for the majority to wheel about from the position maintained at the last session, to that taken at this, but there may not be allowed them now as many days to wheel back to the old position. These gentlemen cannot be refused their seats after the admission of the State, by those gentlemen who passed the act of the last session. It provides for the case. I now put it to the friends of this bill, and I ask them to weigh the question deliberately—to bring it home to their bosom and conscience before they answer—can a Territory elect Senators to Congress? The constitution is express. States only can choose Senators. Were not these gentlemen chosen long before the admission of Michigan, before the Ann Arbor meeting, and while Michigan was, according to the doctrines of the friends of this bill, a Territory? Will they, in the face of the constitution, which they are sworn to support, admit as Senators on this floor those who, by their own statement, were elected by a Territory? These questions may soon be presented for decision. The majority, who are forcing this bill through, are already committed by the act of the last session, and I leave them to reconcile, as they can, the ground they now take with the vote they must give when the question of their right to take their seats is presented for decision.

A total disregard of all principle and consistency has so entangled this subject, that there is but one mode left of extricating ourselves without trampling the constitution in the dust; and that is, to return back to where we stood when the question was first presented; to acquiesce in the right of Michigan to form a constitution, and erect herself into a State, under the ordinance of 1787; and to repeal so much of the act of the last session as prescribed the condition on which she was to be admitted. This was the object of the amendment that I offered last evening, in order to relieve the Senate from its present dilemma. The amendment involved the merits of the whole case. It was too late in the day for discussion, and I asked for indulgence till to-day, that I might have an opportunity of presenting my views. Under the iron rule of the present majority, the indulgence was refused, and the bill ordered to its third reading; and I have been thus compelled to address the Senate when it is too late to amend the bill, and after a majority have committed themselves both as to its principles and details. New as such proceedings are in this body, I complain not. I, as one of the minority, ask no favors. All I ask is, that the constitution be not violated. Hold it sacred, and I shall be the last to complain.

I now return to the assumption that a Territory cannot become a State till admitted into the Union, which is now relied on with so much confidence to prove that Michigan is not a State. I reverse the position. I assert the opposite, that a Territory cannot be admitted till she becomes a State; and in this I stand on the authority of the constitution itself, which expressly limits the power of Congress to admitting new States into the Union. But if the constitution had been silent, he would indeed be ignorant of the character of our political system who did not see that States, sovereign and independent communities, and not Territories, can only be admitted. Ours is a Union of States, a federal republic. States, and not Territories, form its component parts, bound together by a solemn league, in the form of a constitutional compact. In coming into the Union, the State pledges its faith to this sacred compact; an act which none but a sovereign and independent community is competent to perform; and, of course, a Territory must first be raised to that condition before she can take her stand among the confederated States of our Union. How can a Territory pledge its faith to the constitution? It has no will of its own. You give it all its powers, and you can at pleasure overrule all her actions. If she enters as a Territory, the act is yours, not hers. Her

consent is nothing without your authority and sanction. Can you, can Congress, become a party to the constitutional compact? How absurd.

But I am told, if this be so, if a Territory must become a State before it can be admitted, it would follow that she might refuse to enter the Union after she had acquired the right of acting for herself. Certainly she may. A State cannot be forced into the Union. She must come in by her own free assent, given in her highest sovereign capacity, through a convention of the people of the State. Such is the constitutional provision; and those who make the objection must overlook both the constitution and the elementary principles of our Government, of which the right of self-government is the first; the right of every people to form their own Government, and to determine their political condition. This is the doctrine on which our fathers acted in our glorious Revolution, which has done more for the cause of liberty throughout the world than any event within the record of history, and on which the Government has acted from the first, as regards all that portion of our extensive territory that lies beyond the limits of the original States. Read the ordinance of 1787, and the various acts for the admission of new States, and you will find the principle invariably recognised and acted on, to the present unhappy instance, without any departure from it, except in the case of Missouri. The admission of Michigan is destined, I fear, to mark a great change in the history of the admission of new States, a total departure from the old usage, and the noble principle of self-government on which that usage was founded. Every thing, thus far, has been irregular and monstrous connected with her admission. I trust it is not ominous. Surrounded by lakes within her natural limits, (which ought not to have been departed from,) possessed of fertile soil and genial climate, with every prospect of wealth, power, and influence, who but must regret that she should be ushered into the Union in a manner so irregular and unworthy of her future destiny.

But I will waive these objections, constitutional and all. I will suppose, with the advocates of the bill, that a Territory cannot become a State till admitted into the Union. Assuming all this, I ask them to explain to me how the mere act of admission can transmute a Territory into a State? By whose authority would she be made a State? By ours? How can we make a State? We can form a Territory; we can admit States into the Union; but, I repeat the question, how can we make a State? I had supposed this Government was the creature of the States—formed by their authority, and dependent on their will for their existence. Can the creature form the creator? If not by our authority, then by whose? Not by her own: that would be absurd. The very act of admission makes her a member of the confederacy, with no other or greater power than is possessed by all the others; all of whom, united, cannot create a State. By what process, then, by what authority, can a Territory become a State, if not one before admitted? Who can explain? How full of difficulties, compared to the long-established, simple, and noble process which has prevailed to the present instant. According to old usage, the General Government first withdraws its authority over a certain portion of its territory, as soon as it has a sufficient population to constitute a State. They are thus left to themselves freely to form a constitution, and to exercise the noble right of self-government. They then present their constitution to Congress, and ask the privilege (for one it is of the highest character) to become a member of this glorious confederacy of States. The constitution is examined, and, if republican, as required by the federal constitution, she is admitted, with no other condition except such as may be necessary to secure the authority of Congress over the public domain within her limits. This is the old, the established form, instituted by our ancestors of the Revolution, who so well understood the great principles of liberty and self-government. How simple; how sublime! What a contrast to the doctrines of the present day, and the precedent which, I fear, we are about to establish! And shall we fear, so long as these sound principles are observed, that a State will reject this high privilege—will refuse to enter this Union? No; she will rush into your embrace, so long as your institutions are worth preserving. When the advantages of the Union shall have become a matter of calculation and doubt, when new States shall pause to determine whether the Union is a curse or blessing, the question which now agitates us will cease to have any importance.

Having now, I trust, established, beyond all controversy, that Michigan is a State, I come to the great point at issue—to the decision of which all that has been said is but preparatory—had the self-created assembly which met at Ann Arbor the authority to speak in the name of the people of Michigan, to assent to the conditions contained in the act of the last session, to supersede a portion of the constitution of the State, and to overrule the dissent of the convention of the people, regularly called by the constituted authorities of the State, to the condition of admission? I shall not repeat what I said when I first addressed the Senate on this bill. We all, by this time, know the character of that assemblage; that it met without the sanction of the authorities of the State, and that it did not pretend to represent one third of the people. We all know that the State had regularly convened a convention of the people, expressly to take into consideration the condition on which it was proposed to admit her into the Union, and that the convention, after full deliberation, had declined to give its assent by a considerable majority. With a knowledge of all these facts, I put the question—had the assembly a right to act for the State? Was it a convention of the people of Michigan, in the true, legal, and constitutional sense of that term? Is there one, within the limits of my voice, that can lay his hand on his breast, and honestly say it was? Is there one that does not feel that it was neither more nor less than a mere caucus—nothing but a party caucus—of which we have the strongest evidence in the perfect unanimity of those who assembled? Not a vote was given against admission. Can there be stronger proof that it was a meeting got up by party machinery, for party purpose?

But I go further. It was not only a party caucus, for party purpose, but a criminal meeting—a meeting to subvert the authority of the State, and to assume its sovereignty. I know not whether Michigan has yet passed laws to guard her sovereignty. It may be that she has not had time to enact laws for this purpose, which no community is long without; but I do aver, if there be such an act, or if the common law be in force in the State, the actors in that meeting might be indicted, tried, and punished, for the very act on which it is now proposed to admit the State into the Union. If such a meeting as this were to undertake to speak in the name of South Carolina, we would speedily teach its authors what they owed to the authority and dignity of the State. The act was not only in contempt of the authority of the State of Michigan, but a direct insult on this Government. Here is a self-created meeting, convened for a criminal object, which has dared to present to this Government an act of theirs, and to expect that we are to receive this irregular and criminal act as a fulfilment of the condition which we had prescribed for the admission of the State! Yet, I fear, forgetting our own dignity and the rights of Michigan, that we are about to recognise the validity of the act, and quietly to submit to the insult.

The year 1836 (said Mr. C.) is destined to mark the most remarkable change in our political institutions, since the adoption of the constitution. The events of the year have made a deeper innovation on the principles of the constitution, and evinced a stronger tendency to revolution, than any which have occurred from its adoption to the present day. Sir, (said Mr. C., addressing the Vice President,) duty compels me to speak of facts intimately connected with yourself. In deference to your feelings as presiding officer of the body, I shall speak of them with all possible reserve, much more reserve than I should otherwise have done if you did not occupy that seat. Among the first of these events, which I shall notice, is the caucus of Baltimore; that too, like the Ann Arbor caucus, has been dignified with the name of the convention of the people. This caucus was got up under the countenance and express authority of the President himself; and its edict, appointing you his successor, has been sustained, not only by the whole patronage and power of the Government, but by his active personal influence and exertion. Through its instrumentality he has succeeded in controlling the voice of the people, and for the first time the President has appointed his successor; and thus the first great step of converting our Government into a monarchy has been achieved. These are solemn and ominous facts. No one who has examined the result of the last election can doubt their truth. It is now certain that you are not the free and unbiased choice of the people of these United States. If left to your own popularity, without the active and direct influence of the President, and the power and patronage of the Government, acting through a mock convention of the people, instead of the highest, you would in all probability have been the lowest of the candidates.

During the same year, the State in which this ill-omened caucus convened has been agitated by revolutionary movements of the most alarming character. Assuming the dangerous doctrines that they were not bound to obey the injunctions of the constitution, because it did not place the powers of the State in the hands of an unchecked numerical majority, the electors belonging to the party of the Baltimore caucus who had been chosen to appoint the State Senators refused to perform the functions for which they had been elected, with the deliberate intention to subvert the Government of the State, and reduce her to the territorial condition, till a new Government could be formed. And now we have before us a measure not less revolutionary, but of an opposite character. In the case of Maryland, those who undertook, without the authority of law or constitution, to speak and act in the name of the people of the State, proposed to place her out of the Union by reducing her from a State to a Territory; but in this, those who in like manner undertook to act for Michigan have assumed the authority to bring her into the Union without her consent, on the very condition which she had rejected by a convention of the people convened under the authority of the State. If we shall sanction the authority of the Michigan caucus, to force a State into the Union without its assent, why might we not here sanction a similar caucus in Maryland, if one had been called, to place the State out of the Union?

These occurrences, which have distinguished the past year, mark the commencement of no ordinary change in our political system. They announce the ascendency of the caucus system over the regularly constituted authorities of the country. I have long anticipated this event. In early life my attention was attracted to the working of the caucus system. It was my fortune to spend five or six years of my youth in the Northern portion of the Union, where, unfortunately, the system has so long prevailed. Though young, I was old enough to take interest in public affairs, and to notice the working of this odious party machine; and after reflection, with the experience then acquired, has long satisfied me that, in the course of time, the edicts of the caucus would eventually supersede the authority of law and constitution. We have at last arrived at the commencement of this great change, which is destined to go on till it has consummated itself in the entire overthrow of all legal and constitutional authority, unless speedily and effectually resisted. The reason is obvious: for obedience and disobedience to the edicts of the caucus, where the system is firmly established, are more certainly and effectually rewarded and punished, than to the laws and constitution. Disobedience to the former is sure to be followed by complete political disfranchisement. It deprives the unfortunate individual who falls under its vengeance of all public honors and emoluments, and consigns him, if dependent on the Government, to poverty and obscurity; while he who bows down before its mandates, it matters not how monstrous, secures to himself the honors of the State--becomes rich, and distinguished, and powerful. Offices, jobs, and contracts, flow on him and his connexions. But to obey the law and respect the constitution, for the most part, brings little except the approbation of conscience—a reward indeed high and noble, and prized by the virtuous above all others, but unfortunately little valued by the mass of mankind. It is easy to see what must be the end, unless, indeed, an effective remedy be applied. Are we so blind as not to see in this why it is that the advocates of this bill--the friends of the system—are so tenacious on the point that Michigan should be admitted on the authority of the Ann Arbor caucus, and no other? Do we not see why the amendment proposed by myself to admit her by rescinding the condition imposed at the last session should be so strenuously opposed? Why, even the preamble would not be surrendered, though many of our friends were willing to vote for the bill on that slight concession, in their anxiety to admit the State.

And here let me say that I listened with attention to the speech of the Senator from Kentucky, [Mr. CRITTENDEN.] I know the clearness of his understanding, and the soundness of his heart, and I am persuaded, in declaring that his objection to the bill was confined to the preamble, that he has not investigated the subject with the attention it deserves. I feel the objections to the preamble are not without some weight; but the true and insuperable objections lie far deeper in the facts of the case, which would still exist were the preamble expunged. It is these which render it impossible to pass this bill without trampling under foot the rights of the States, and subverting the first principles of our Government. It would require but a few steps more to effect a complete revolution, and the Senator from North Carolina has taken the first. I will explain. If you wish to mark the first indications of a revolution, the commencement of those profound changes in the character of a people which are working beneath, before a ripple appears on the surface, look to the change of language; you will first notice it in the altered meaning of important words, and which, as it indicates a change in the feelings and principles of the people, become in turn a powerful instrument in accelerating the change, till an entire revolution is effected. The remarks of the Senator will illustrate what I have said. He told us that the terms "convention of the people" were of very uncertain meaning, and difficult to be defined; but that their true meaning was, any meeting of the people in their individual and primary character, for political purpose. I know it is difficult to define complex terms, that is, to enumerate all the ideas that belong to them, and exclude all that do not; but there is always, in the most complex, some prominent idea which marks the meaning of the

term, and in relation to which there is usually no disagreement. Thus, according to the old meaning, (and which I had still supposed was its legal and constitutional meaning,) a convention of the people invariably implied a meeting of the people, either by themselves, or by delegates expressly chosen for the purpose, in their high sovereign authority, in express contradistinction to such assemblies of individuals in their private character, or having only derivative authority. It is, in a word, a meeting of the people in the majesty of their power—in that in which they may rightfully make or abolish constitutions, and put up or put down Governments at their pleasure. Such was the august conception which formerly entered the mind of every American when the terms "convention of the people" were used. But now, according to the ideas of the dominant party, as we are told on the authority of the Senator from North Carolina, it means any meeting of individuals for political purposes, and, of course, applies to the meeting at Ann Arbor, or any other party caucus for party purposes, which the leaders choose to designate as a convention of the people. It it thus the highest authority known to our laws and constitution is gradually sinking to the level of those meetings which regul'e the operation of political parties, and through which the edicts of their leaders are announced, and their authority enforced; or, rather, to speak more correctly, the latter are gradually rising to the authority of the former. When they come to be completely confounded, when the distinction between a caucus and the convention of the people shall be completely obliterated, which the definition of the Senator, and the acts of this body on this bill, would lead us to believe is not far distant, this fair political fabric of ours, erected by the wisdom and patriotism of our ancestors, and once the gaze and admiration of the world, will topple to the ground in ruins.

It has, perhaps, been too much my habit to look more to the future, and less to the present, than is wise; but such is the constitution of mind, that when I see before me the indications of causes calculated to effect important changes in our political condition, I am led irresistibly to trace them to their sources, and follow them out in their consequences. Language has been held in this discussion which is clearly revolutionary in its character and tendency, and which warns us of the approach of the period when the struggle will be between the conservatives and the destructives. I understood the Senator from Pennsylvania [Mr. BUCHANAN] as holding language countenancing the principle that the will of a mere numerical majority is paramount to the authority of law and constitution. He did not indeed announce distinctly this principle, but it might fairly be inferred from what he said; for he told us the people of a State, where the constitution gives the same weight to a smaller as to a greater number, might take the remedy into their own hand; meaning, as I understood him, that a mere majority might at their pleasure subvert the constitution and Government of a State, which he seemed to think was the essence of democracy. Our little State has a constitution that could not stand a day against such doctrines, and yet we glory in it as the best in the Union. It is a constitution which respects all the great interests of the State, giving to each a separate and distinct voice in the management of its political affairs, by means of which the feebler interests are protected against the preponderance of the greater. We call our State a republic, a commonwealth, not a democracy; and let me tell the Senator it is a far more popular Government than if it had been based on the simple principle of the numerical majority. It takes more voices to put the machine of Government in motion, than in those that the Senator would consider more popular. It represents all the interests of the State, and is in fact the Government of the people, in the true sense of the term, and not that of the mere majority, or the dominant interests.

I am not familiar with the constitution of Maryland, to which the Senator alluded, and cannot, therefore, speak of its structure with confidence; but I believe it to be somewhat similar in its character to our own. That it is a Government not without its excellence, we need no better proof than the fact, that though within the shadow of executive influence, it has nobly and successfully resisted all the seductions by which a corrupt and artful administration, with almost boundless patronage, has tempted to seduce her into its ranks.

Looking, then, to the approaching struggle, I take my stand immoveably. I am a conservative in its broadest and fullest sense, and such I shall ever remain, unless, indeed, the Government shall become so corrupt and disordered that nothing short of revolution can reform it. I solemnly believe that our political system is in its purity not only the best that ever was formed, but the best possible that can be devised for us. It is the only one by which free States, so populous and wealthy, and occupying so vast an extent of territory, can preserve their liberty. Thus thinking, I cannot hope for a better. Having no hope of a better, I am a conservative; and because I am a conservative, I am a States rights man. I believe that in the rights of the States are to be found the only effectual means of checking the over-action of this Government; to resist its tendency to concentrate all power here, and to prevent a departure from the constitution; or, in case of one, to restore the Government to its original simplicity and purity. State interposition, or, to express it more fully, the right of a State to interpose her sovereign voice, as one of the parties to our constitutional compact, against the encroachments of this Government, is the only means of sufficient potency to effect all this; and I am, therefore, its advocate. I rejoiced to hear the Senators from North Carolina [Mr. BROWN] and from Pennsylvania [Mr. BUCHANAN] do us the justice to distinguish between nullification and the anarchical and revolutionary movements in Maryland and Pennsylvania. I know they did not intend it as a compliment; but I regard it as the highest. They are right. Day and night are not more different—more unlike in every thing. They are unlike in their principles, their objects, and their consequences.

I shall not stop to make good this assertion, as I might easily do. The occasion does not call for it. As a conservative, and a States rights man, or, if you will have it, a nullifier, I have and shall resist all encroachments on the constitution, whether it be the encroachment of this Government on the States, or the opposite; the Executive on Congress, or Congress on the Executive. My creed is to hold both Governments, and all the departments of each, to their proper sphere, and to maintain the authority of the laws and the constitution against all revolutionary movements. I believe the means which our system furnishes to preserve itself are ample, if fairly understood and applied; and I shall resort to them, however corrupt and disordered the times, so long as there is hope of reforming the Government. The result is in the hands of the Disposer of events. It is my part to do my duty. Yet, while I thus openly avow myself a conservative, God forbid I should ever deny the glorious right of rebellion and revolution. Should corruption and oppression become intolerable, and cannot otherwise be thrown off; if liberty must perish, or the Government be overthrown, I would not hesitate, at the hazard of life, to resort to revolution, and to tear down a corrupt Government that could neither be reformed nor borne by freemen; but I trust in God things will never come to that pass. I trust never to see such fearful times; for fearful, indeed, they would be, if they should ever befal us. It is the last experiment, and not

to be thought of till common sense and the voice of mankind would justify the resort.

Before I resume my seat, I feel called on to make a few brief remarks on a doctrine of fearful import, which has been broached in the course of this debate—the right to repeal laws granting bank charters, and, of course, of railroads, turnpikes, and joint stock companies. It is a doctrine of fearful import, and calculated to do infinite mischief. There are countless millions vested in such stocks, and it is a description of property of the most delicate character. To touch it is almost to destroy it. But, while I enter my protest against all such doctrines, I have been greatly alarmed with the thoughtless precipitancy (not to use a stronger phrase) with which the most extensive and dangerous privileges have been granted of late. It can end in no good, and, I fear, may be the cause of convulsions hereafter. We already feel the effects on the currency, which no one competent of judging but must see is in an unsound condition. I must say (for truth compels me) I have ever distrusted the banking system, at least in its present form, both in this country and Great Britain. It will not stand the test of time; but I trust that all shocks, or sudden revolution, may be avoided, and that it may gradually give way before some sounder and better-regulated system of credit which the growing intelligence of the age may devise. That a better may be substituted I cannot doubt, but of what it shall consist, and how it shall finally supersede the present uncertain and fluctuating currency, time alone can determine. All I can see is, that the present must, one day or another, come to an end, or be greatly modified, if that, indeed, can save it from an entire overthrow. It has within itself the seeds of its own destruction.

Mr. STRANGE said he was gratified that the Senator from South Carolina had addressed the Senate; for he had a very high respect for his abilities, and, from some intimations he had casually thrown out, he was apprehensive that, in retaining the preamble, the Senate was falling into some unperceived but dangerous error. But we have now heard all that the Senator has to say upon this important subject, and he has utterly failed to convince us of error in a single proposition about which we differed. This was not for want of ability in the honorable Senator, but was entirely owing to the cause he advocated—to his being on the wrong side of the question. The most powerful intellect can never long make head against truth. Mr. S. said he had as high a regard as the gentleman, for the institutions of their common country—admired as much the wisdom of their organization, and cherished toward them as deep an affection. He was far from believing time misspent in this body which was employed in the discussion of great constitutional questions, and was never sorry to see the talent of the Senate arrayed upon different sides of interesting propositions. The having them presented in all their various bearings and points of view, and sifted and examined with care and ability, was very friendly to the ascertainment of truth. It had been adverted to in this House that some of its members had been recently transferred hither from judicial stations in their respective States, and he had himself the honor to be among the number; and he would take the liberty of stating, as one of the results of his official experience, that the failure of an able lawyer was nearly as good evidence of the unsoundness of his position, as the strength of argument brought to bear against it by the opposing counsel; and so, on the present occasion, having listened to the unsuccessful efforts of the able Senator from South Carolina to overthrow the positions he had assumed in the early part of this debate, had but inspired him with renewed confidence in their soundness.

The Senator has in the first place assailed the preamble to this bill on account of its inconsistency with the votes, at the last session of Congress, of its present advocates. Upon this point Mr. S. had nothing to say. Those of whom this predicament was supposed were doubtless well able to vindicate themselves; but for his part, he had not then had the honor of a seat in this body, and consequently stood entirely uncommitted to any of its doings. But it was further urged that Michigan was a State, and that those who disputed it did so in the face of a record; for that the act of Congress, passed at the last session, expressly declared her to be a State. But, said Mr. S., I still deny her to be a State, without any apprehension of being overborne by any such record as that referred to by the gentleman. If there was such an act as the one described by the Senator, he would not question its existence, nor would he indeed put him to the proof that there was such a record. But what the record would prove, when produced, was an altogether different matter; and he denied that any act of Congress, however broadly it might assert it, could prove the existence of a State under the circumstances stated in the case of Michigan: it was altogether incompetent to the proof of such a fact. Here Mr. S. took leave to remark that it was with great reluctance he had embarked so deeply in this debate: but he had been induced at an early period to state a few propositions which had been denounced as dangerous and revolutionary in their tendency. He would never venture on this floor to state any thing as his deliberate conviction which had not been duly considered by him. He might sometimes throw out crude suggestions, with a view to draw out others, or bring their attention to the subject; but on such occasions he would always present them as mere hasty impulses of the passing moment; but when he had gone so far as to make a deliberate assertion, he trusted he should always be found ready to maintain his position. He had asserted that Michigan was not a State, and this he stood ready to prove. It is not denied that the land covered by Michigan was once the property of this Union; and it is a principle of law which he presumed no Senator would deny, that things continuous in their nature are always presumed to remain the same, unless the contrary is shown. If, then, the territory embraced in Michigan was once the property of this Union, it continues to be so until gentlemen show us the where, the when, and the how, of its cessation. They say it ceased to be so by virtue of the act of Congress of last session. I deny the authority of Congress to pass such an act. If they have passed such a one, it is a nullity. When an act of Congress comes in collision with the constitution, it comes in contact with a power which annihilates it. It is as though it had never existed. It is a dead letter. The constitution gives authority to Congress to create a State for no other purpose but admission into the Union; and whenever Congress passes an act creating a State, without at the same time admitting it into the Union, that act is a nullity. Indeed, if the matter were *res integra*, if it were a new question, it might be seriously debated whether Congress can create a State, even for the purpose of admission into the Union. But I will not deny that it has been the practice to do so, and I am not now disposed to question its correctness. I had occasion heretofore to call the attention of the Senate to the only clause of the constitution relating to that subject, and defied any one to produce any other authority for Congress to create a State, or to contend that the power under that clause was any thing more than implied.

[Here Mr. CALHOUN interrupted Mr. S., to explain himself, and said that he had not declared Congress competent to create a State, either in or out of the Union; but by withdrawing its jurisdiction from a given Territory, that Territory was then at liberty to form itself into a State.]

Mr. S. said he did not think the Senator's explanation had materially varied his proposition. That there could be but little difference between creating a State out of the territory of the Union and suffering it to create itself; as in both cases Congress relinquished a trust confided to her by the Union, which she had no right to relinquish but in one special case, and that was, when by the same act she formed the State and admitted it into the Union; so that the act of Congress of the last session, not executing any power possessed by Congress, is a nullity.

But the Senator from South Carolina insists that to deny Michigan to be a State is a denial against the actual and obvious fact that Michigan is now really exercising all the powers of sovereignty: she has formed her constitution, elected her Legislature and members of Congress; and her Legislature has actually assembled, and elected her Senators to Congress. But (said Mr. S.) the question is not what Michigan has done, but what she has a right to do. Although these things, I admit, may be *prima facie* evidence of her legal existence as a State, they are susceptible of being met by the proof of what is, in fact, her true condition. When one is found acting *sui juris*, exercising all the privileges of a freeman, it may be *prima facie* evidence that he is what the performance of the act implies; but if it be susceptible of proof that he is in fact a slave, the inference no longer exists that he is free. And so in this case we show that Michigan was once subject to the United States, and demand the proof that she has ever been emancipated. In vain was the wisdom of our forefathers employed in devising plans for the happiness and perpetuity of this nation; in vain did they inculcate the doctrine of union, and repudiate the idea of separate sovereignties or multiplied confederacies, if the doctrine of the Senator from South Carolina is to prevail. If Michigan can exist as a separate State for a single hour, she may for days and years, and might ultimately refuse to come into the Union at all. During this time she may have her own army and navy, declare war, form alliances, and do all those acts which our forefathers were so anxious to bring within the control of a power representing the common interest of all the States. The idea is too preposterous, too inconsistent with all their plans and purposes, to suppose that they contemplated it for a single moment. The whole confederacy would be in continual danger of dissolution from such a cause operating in its vicinity; and yet, according to the Senator's theory, there is no mode of preventing this evil, but, after we had rashly given her a separate existence, constraining her by the terror of the sword and the bayonet, or the application of them, to become an unwilling party to our national compact; a state of things which no one can suppose to have been planned by wisdom, or desirable either upon the score of interest, patriotism, or humanity. But to enforce his position, the Senator has supposed that it is necessary she should first have a separate existence ere she can become a member of our Union, which he insists is altogether federative, and even urges that she must be of age. Now, I humbly conceive that the Senator has suffered himself to be misled by a metaphor, a figure of speech. The age of the Territory or State is a matter of perfect indifference; it is enough if the inhabitants are of age to make contracts; for with them, if with any one, the compact is formed. The idea of the necessity of a separate, anterior existence as a State is altogether fallacious; the incident of being a member of the Union is a portion of the very law of her existence, and her federal relationship commences *eo instanti* that she becomes a State. Nor does this violate the analogy of individual relationship to society; the infant, as soon as he is born, becomes a member of the political society in which he comes into existence. By his very birth the social compact is implied; and without any formal recognition of the compact, when he shall attain mature age, he is held liable to the sanctions of the law as soon as capable of discerning between right and wrong; without waiting for his assent, society extends over him the arm of protection. No matter how young he may be, he who takes away his life is punished by society as a murderer; and it is not because the social compact is not sufficiently complete, but in mere tenderness to the frailty of human nature, that he is not liable to punishment for a violated law, at any stage of existence, however early.

But another difficulty, which it is attempted to throw in our way, is, that Michigan has already elected her Senators and Representative; and if we say that she is not a State, their election was irregular, and they will not be entitled to seats in the respective branches of the National Assembly. I have already had occasion to say, sir, that while I have the honor of representing, in part, a sovereign State upon this floor, I will speak what I believe to be the language of truth, regardless of the consequences. If, then, the assertion that Michigan is not a State must necessarily exclude the honorable gentlemen now waiting for admission to their seats, I shall deeply regret it. But, sir, I foresee no such consequence; the whole matter appears to me exceedingly plain, and free from all the metaphysical difficulties in which gentlemen have striven to involve it. When a bargain is concluded between two parties, it is no longer a matter of consequence from which the first overture proceeded, whether the vender proposed to the vendee, or the vendee to the vender; the only question is, was there finally an agreement between them? And the same consequences, precisely, follow, whichever made the first advance. Now, sir, Michigan had no right to form herself into a State without the assent of Congress, and with the assent of Congress she had the right. It is a matter of perfect indifference whether Michigan took the primary steps with a view to their ratification by Congress, which ratification is subsequently made, or that Congress first gives the permission, and Michigan acts upon such permission; whether the Senators and Representative from Michigan knock at the door of Congress and are admitted, or Congress opens her doors and announces to Michigan that her Senators and Representative may walk in whenever she pleases to send them, and they are sent and do walk in. In the one case Michigan acts upon a previous authority, and in the other a subsequent ratification gives effect to that which was previously done. I think I have now sufficiently shown that I was right in contending that Michigan was not a State. The Senator from South Carolina himself has admitted the evil consequences likely to flow from supposing that Congress has the power to create a State for any other purpose than admission into the Union. [Here Mr. CALHOUN disclaimed.] Well, said Mr. S., I certainly understood him to say so, but I suppose I was mistaken; but I insist that, without the gentleman's admission, the consequences are plain and obvious to every man; that the perpetuity of our Union would be seriously endangered, and that in the mean time we should, with our own hands, be placing in our side a thorn to rankle and annoy us, and all without the slightest inducement or consideration; and no one who has a proper respect for the good, great, and wise framers of our constitution, can ever believe that they intended any thing so preposterous.

Having, as I conceive, disposed of this matter, it is unnecessary for me to take up the inquiry of the gentleman, whether, in a regularly organized State, a convention can be called under any other authority than that of the Legislature. I do not find it my present purpose to take either side of this question, as I insist that Michigan

is not a regularly organized State, but is, as admitted by the Senator from South Carolina, *pro hac vice*, in a state of nature. Nothing, therefore, remains but the inquiry whether a convention has actually been held by Michigan, in any manner convened. And here I must be allowed to say that I have been singularly unfortunate in being misapprehended by both the Senators from South Carolina. By both I have been represented as saying that a convention was an undefined and undefinable something. I had the honor of correcting the misapprehension of the Senator from South Carolina who first addressed the Senate, and flattered myself that I had satisfied him; but his colleague has to-day fallen into a similar mistake, and I now beg leave to set him right also. I never thought, and therefore do not think I could have ever said, that a convention was something undefined and undefinable. On the contrary, I stated that it was an assemblage of all the persons of a given community, in person, or by their acknowledged agents or representatives; that it was perfectly certain in its existence, and in power irresistible. I did say, and do still say, that how it is to be gotten together is a matter altogether undefined by any law; but, when got together, its identity was a thing of the most absolute certainty, and in a country situated like Michigan, so far as its own people were concerned, supposing the authority of Congress out of the question, altogether omnipotent. Has a convention been holden in Michigan? That something of the kind has been holden, no one denies; but the difference of opinion seems to turn on the nature of the assembly at Ann Arbor. The Senator from South Carolina, with that delicacy which usually characterizes the initiatory steps in an argument, said he would not call it a caucus. But as men grow warmer in argument, they generally grow bolder in assertion; and, accordingly, in a very few breaths, the Senator flatly calls it a caucus, with a view, doubtless to brand it with a very odious name. But I will press this matter no farther.

Mr. President, my object in rising at the commencement of this debate was simply to state what I conceived to be the true questions presenting themselves on the bill before us. I had observed what I conceived to be a vicious habit in this body to be exceedingly discursive in debate, to bring all sorts of things to bear upon all sorts of questions, and especially to involve every matter in the vortex of party politics. Now, sir, conceiving myself to be a new member, with a mind not yet contaminated by these vicious practices, I thought I was able to see without bias the true points in controversy, and I accordingly rose to present them to the Senate, and supposed, when this was done, my task was fulfilled. But I find, sir, I have been engaged in advocating treason and revolution, as some gentlemen think, and have been most unexpectedly called out to rescue myself from misapprehension, and am now forced in some degree to fall into the practice I have condemned in others, and touch upon a subject which has nothing in the world to do with the bill before us.

The Baltimore convention has been alluded to, and, as usual, for purposes of denunciation. In looking round this assembly, I see no one who had the honor or misfortune, as the case may be, to have been a member of that body. For myself, I must plead guilty to the charge. But certainly, sir, when I went there I was entirely unconscious of any criminal intent. I did not conceive that I was, in any way, violating the laws and constitution of my country, or subjecting myself to be arraigned as a traitor to either. I thought I was merely exercising the privilege of a free citizen, to go where I pleased, and meet whom I pleased, for the purpose of consulting on matters in which we had a common right to act. A few of our fellow-citizens, in their respective parts of the country, selected us to meet at Baltimore, and ascertain by conference who among the many distinguished fellow-citizens scattered over our wide extent of country had been most decided in their adherence to sound republican principles, best qualified to fill the two highest offices in our gift as a nation, and most likely to be acceptable to the people at large. We met, we conferred, and two distinguished individuals, as the result of our deliberations, were named and recommended to the people of the United States. We did not pretend to any power of coercion, and did not imagine that any one would impute to us such power. It was left to the free people of this Union to ratify or annul the choice we had made. We did not feel ourselves in the possession of any means of coercion. We had not any physical force to command, nor the control of treasure wherewith to purchase suffrages. We did nothing but publish a small pamphlet, setting forth what we had done, and coldly laying before the public the reasons why we believed the persons we had named ought to have the support of their fellow-citizens. But it has been said we were office-holders and office-seekers, and our object was the acquisition of offices, or the perpetuity of those already possessed. For himself, (said Mr. S.,) he was at the time the holder of an office under the State of North Carolina, but he had never imagined its perpetuity depended upon the results of the Baltimore convention, for it was an office for life. And, as to having had any thing personal in expectancy, he could, with a clear conscience, repel the imputation; and, in demanding of the opposition to believe him sincere, he required nothing more than the same courtesy he extended to them. As a party, he believed the opposition sincere in their opinions. To many individuals of that party he had no doubt it would be a most alarming exposure to have their hearts opened to public gaze; but the bulk of the party, he doubted not, were sincere, and might possibly be right in the various points of difference between them and those with whom he acted. If they were right, he trusted in God they would yet triumph over us. But believing, as I do, that they are wrong, I will manfully strive against them with all the means in my power. The Baltimore convention was one of those means, and I heartily rejoice that it has so far been successful.

A variety of other topics, he said, had been referred to, equally impertinent to the subject in hand, yet he would not go into them; but, finding himself standing alone of the 600 men who constituted the Baltimore convention, he thought it but reasonable that he should have said thus much in its vindication, when he heard it so unnecessarily assailed.

Mr. BUCHANAN regretted that he felt constrained again to detain the Senate with a few observations in reply to what had fallen from the Senator from South Carolina, [Mr. CALHOUN.] He had laid it down as a rule for himself, when he entered this body, never to obtrude himself upon its notice, unless when placed under the necessity of duty. Such was now his condition; and he rose merely for the purpose of putting himself right in regard to some portions of that Senator's remarks.

These remarks had been made in that gentleman's very best manner: they were specimens which proceeded from a master's hand. He (Mr. B.) could scarcely cherish the hope of obtaining, for what he had to offer in reply, the profound attention which the Senator had commanded. He would ask that gentleman, however, to hear him in a candid spirit, and to correct him, in case he had misapprehended any of his arguments.

The Senator had undertaken, as he often did, to become a prophet; and, as a reason for it, had observed that it was more the habit of his mind to look to the future, than to give minute attention either to the past or the present. The Senator had afforded at least one evi-

dence of the authenticity of his inspiration in his resemblance, in one particular, to the ancient prophets of Israel. Like them, he almost always foreboded ill and threatened calamities. Mr. B. trusted that the ominous predictions of the gentleman would never be fulfilled; and sure he was that no one would more rejoice, should they prove false, than he who had uttered them.

The Senator had set out with an argument, the aim of which was to convict the majority of the Senate of gross inconsistency; but Mr. B. must confess that he had been unable, from some cause, perhaps the obtuseness of his own intellect, to perceive its force. He had represented himself (Mr. B.) as having contended that Michigan was not a State, even after Congress had recognised her State constitution. This assumption was the basis of the gentleman's entire argument. Now, Mr. B. had never taken any such ground. Directly the reverse. In his former remarks he had, throughout, treated Michigan as a State, although not one of the confederate States of this Union. She had adopted every measure necessary to become such, with a single exception. Her constitution and all her proceedings had received the sanction of Congress; and her actual admission as a State into this Union was only suspended until she should give her consent to the change which we had proposed in her boundaries. She was then a State; but not a confederate State. This is the true distinction. The General Government was in treaty with her as a State, not as a Territory, concerning the terms of her actual admission into this great national confederacy. This plain statement of the case itself affords an answer to almost every argument which has been urged by the Senator.

Even if he (Mr. B.) were disposed to admit the irregularity of the convention held at Ann Arbor, which he was not, still, upon the Senator's avowed principles, he might vote for this bill to admit Michigan into the Union, provided he believes that the assent of a majority of her people has been fairly given to the terms which had been proposed by Congress. Upon these very principles, he might waive this irregularity, and act as though all her proceedings had been strictly according to the most approved forms. He admits that, although he believes the movement of the people of Michigan, in forming a State constitution for themselves without the previous authority of Congress, was revolutionary in its nature, yet we might, if we thought proper, waive this irregularity, and recognise the validity of their proceedings. Was not the same rule which applies to the one case equally applicable to the other? If we may waive such irregularities in forming a constitution, why shall we not waive similar irregularities in changing the boundaries fixed by that constitution? The two cases are precisely parallel.

The Senator had contended that the proceedings previous to the assembly of the convention which formed the constitution of Michigan were irregular; and to this proposition Mr. B, in part, assented. He thought it would have been better had a previous law been enacted by Congress, authorizing the formation of a constitution by the people of the Territory. But, year after year, these people had been knocking at our doors, urging their prayers and their complaints; but both these prayers and these complaints had been disregarded. Finding that Congress would pass no such law, they had at length taken the matter into their own hands, as Tennessee had done before. We possessed the undoubted power of waiving this irregularity, and we had waived it, by the act of the last session, approving of their constitution. We ought now to do the same in regard to the last convention; especially as it appears that the whole body of the people have assented to their proceedings; not one word of remonstrance or complaint having reached the Senate from any quarter. He would put it to the Senator whether, after all that had passed, he would now be willing to force those people to commence again, to annul all that had been done, and to compel them to form a new constitution. But, as Mr. B. did not believe that the proceedings of the last convention were either revolutionary or irregular, he should not rest the case on this ground alone, though it would be amply sufficient.

He agreed with the Senator as to the fact that Michigan was now a State, though not a confederate State; but there had been another proposition advanced by him, to which he never could yield his assent. The Senator had contended that a Territory, after it had adopted a constitution in pursuance of an authority granted by Congress for that purpose, would rise up at once into the rank of a sovereign and independent State, no longer subject to the control of this Government. What, sir? Would the Territory of Wisconsin, for example, if Congress had authorized her to form a constitution, and she had adopted one of a republican character, from that moment become a sovereign and independent State? Could she then refuse to enter the Union? Could she dispose of her public lands within her limits? Could she coin money, and perform every other act pertaining to an independent sovereignty? Did gentlemen intend to push their doctrine of State rights to such an extreme, and thus enable every Territory to rise up into a foreign State, and put Congress and the Union at defiance? If this doctrine be not revolutionary with a vengeance, he did not know what could be so called. No, sir. Our Territories belong to us. They are integral parts of the nation. We authorize their people to erect themselves into States, subject to our approbation; but until they actually enter the Union, they continue in a subordinate condition, and are subject to our control.

The Senator contends that these Territories cannot enter the Union without having previously become States, because as States they must be admitted. *Sub modo*, this may be true. But whatever they may be called, they do not become confederate States until the very instant they are received into the Union, by virtue of an act of Congress. If this be not the case, then the preliminary proceedings, which we authorize them to adopt for the purpose of becoming States, may be converted into the very means of enabling them to shake off our authority altogether.

But what is the proposition which lies at the very root of the Senator's whole argument against the bill? I understand it to be, that when any Commonwealth exists under an organic law, and has by it created a Legislature, without the previous assent of the Legislature no convention can be rightfully held within its limits; and that if such a convention should be held, the movement would be revolutionary, and its edicts, in their very nature, would be unauthorized and tyrannical.

If this proposition be universally true, then it follows, as a necessary consequence, that no matter to what extent the regularly organized Government of a State or nation may be guilty of tyranny and oppression, this very Government must first give its assent, before the people can hold a convention for the redress of grievances, or, in a word, can exercise the unalienable rights of man. The fate of the people, it seems, must forever depend upon the will of the very Legislature which oppresses them, and their liberties can only be restored when that Legislature may be pleased to grant them permission to assemble in convention. I had not supposed that any such proposition would ever be seriously contended for in this chamber. It is directly at war with the declaration of American independence, which declares that "we hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to se-

cure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

[Mr. CALHOUN, interposing, said: "Certainly; it is a revolutionary right!"]

Here (resumed Mr. B.) is a right plainly recognised in this immortal state paper, which we all regard as the charter of our common liberties. Is it not, then, manifest that the Senator has taken a position where he stands in direct and open opposition to every principle of the American Revolution? Why, sir, had we not established Governments at the moment our conventions were held? Was not the character of these Governments, in the main, just and equitable? We went to war for a principle, for the just and glorious principle that there shall be no taxation without representation; and in support of this principle, the people of "the old thirteen," without any previous legislative act, did hold conventions and Congresses at their pleasure. Our very rights to seats upon this floor rest upon what he calls revolutionary principles.

[Mr. CALHOUN. Certainly: I never denied the right of revolution; I contended for it. All our institutions rest on that right; they are the fruits of revolution. That was the very proposition which led to the revolutionary war. I said that a convention of the people had power to put up and to throw down any and every form of government; but that is, *per ex*, a revolution.]

The gentleman (resumed Mr. B.) did say that he gloried in the right of rebellion. Does he contend, then, that if, in one of the States of this Union, the Government be so organized as utterly to destroy the right of equal representation, there is no mode of obtaining redress but by an act of the Legislature authorizing a convention, or by open rebellion? Must the people step at once from oppression to open war? Must it be either absolute submission, or absolute revolution? Is there no middle course? I cannot agree with the Senator. I say that the whole history of our Government establishes the principle that the people are sovereign, and that a majority of them can alter or change their fundamental laws at pleasure. I deny that this is either rebellion or revolution. It is an essential and a recognised principle in all our forms of government.

To be sure, I should be one of the last men in the United States who would desire to see such a right often exerted. I admit that there is great propriety and convenience in having the Legislature to fix the time, and place, and mode, of calling a convention; because it is difficult for the people to effect their purpose without some such provision. Such has been the general practice; but I insist upon the right of the people to proceed without any legislative interference or agency whatever.

I shall now, though with great regret that the topic has been introduced, attend to what has been said by the Senator in relation to Maryland. He did not expressly assert, but he left it to be inferred, that I had said the Maryland electors were right in the course which they pursued. I said no such thing. I expressed no opinion on the matter. On the contrary, I declared that I should not undertake to be a judge of other men's consciences; nor would I here undertake to canvass the conduct of individuals in relation to the Government of a sovereign State of this Union, of which they were citizens. This is not the proper forum for such a debate. I also asserted that the course of these electors had nothing in the world to do with the admission of Michigan into the Union.

The question concerning the conduct of the Maryland electors, in refusing to execute the trust for which they had been chosen, is one thing; that of the right of the people of Maryland to alter their State Government, is another. It presents an entirely different case. Were I placed in a situation which rendered it my duty to maintain this right in behalf of that people, I believe I should be able to do it successfully. I should then contend that, being sovereign within their own limits, they had a right to control their own destinies, and change the form of their own Government at pleasure. If I were the citizen of a State, and resided in a city or county where my vote was equivalent only to the one thirtieth or one sixth of the vote of another citizen, in another city or county, whilst I paid the same taxes, as is the case in some portions of Maryland, I should certainly use all my efforts to persuade the Legislature to call a convention for the purpose of redressing a grievance so enormous. If the Legislature should absolutely refuse to grant this just request, I should then endeavor to persuade the people to hold a convention of their own. I would not stir them up to sedition or rebellion; but I would call upon them peaceably and quietly to exert their own sovereign authority in effecting a change in their form of government. I cannot, therefore, condemn in others what I know in my own conscience I should do myself, under similar circumstances. As it is, however, the people of Maryland have the exclusive right to consider and decide this question for themselves. If they are content with their form of government, I have no right to complain. It affects them, not me; and I have been led into these remarks purely on the principle of self-defence. I do not apprehend the slightest danger that they will act rashly. I know, from the character of the American people, to use the language of the declaration of independence, that they "are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

I shall certainly not discuss with the Senator the merits of the constitution of South Carolina. It may be, and doubtless is, all which he represents it. I shall not controvert the proposition that it has established the best form of government for South Carolina; because I am comparatively ignorant of its provisions. We have at least one strong proof that it has worked well in practice, in the fact that this State has ever sent an able and distinguished representation to Congress.

It is very true that I did introduce the subject of nullification in my former remarks, but it was strictly upon the principle of a just retaliation. I had then, and have now, no disposition to dwell upon this topic. Some of the leaders of the nullification party, I am proud to believe, I may number among my friends. With more than one of them I had the honor of serving in the other House of Congress, in trying times. I certainly feel no disposition to say a word which might wound their feelings. I have always thought, and still think, the State of South Carolina was wrong; yet I am glad she has got out of her difficulties in such handsome style. I am now about to propose a bargain to the Senator, which is, that if he will never allude, upon this floor, to the domestic concerns of my State, I shall be guided by the same rule in regard to his.

[Mr. CALHOUN said he was perfectly agreed to strike such a bargain with the Senator from Pennsylvania.]

As to Michigan, (said Mr. B.,) it is peculiarly unfortunate that all her difficulties have been brought upon her in consequence of our own conduct. Why did not the Senator sound the alarm at the last session, when this admission bill was before the Senate, and proclaim that we were about to recommend a revolutionary measure to her people? That was the appropriate time for him to have urged this objection.

[Mr. CALHOUN rose to explain. He reminded Mr. B. of the late hour at which the bill had passed. He had spoken again and again, in the course of the debate, and felt reluctant again to occupy the floor; and the particular reason why he had not stated this point of objection was, that, according to his conception, the word *convention* signified a meeting of the people, duly convened through the action of their own constituted authorities. So he understood the law, and so the people of Michigan understood it, as their action showed.]

Mr. BUCHANAN resumed. The bill, as it originally stood, required the assent of the Legislature of Michigan; but this clause was unanimously stricken out, and the consent of a convention of delegates elected by the people was substituted in its place, by a unanimous vote of the Senate. The bill, as it passed, contains no reference to any interposition by the Legislature.

[Mr. CALHOUN again explained. It was indeed certain that the Legislature could not give their assent to the conditions of that bill, because those conditions touched the State constitution on the question of boundary, and, therefore, no power could assent to those conditions, but a power which was equal to that which made the constitution. This could be done only by a convention; and, in point of fact, it had been a convention which considered it. A convention regularly called was competent to consider and decide upon it, and it is a great mistake to think otherwise. But surely, if a regular convention was incompetent to assent, and thereby change the State constitution, the meeting at Ann Arbor could not be competent.]

Mr. BUCHANAN resumed. I trust that, ere long, we shall get to understand each other. I was about to prove that the Senate, at its last session, unanimously determined in favor of the principle which the gentleman now denounces as revolutionary. What did we then decide? Without a dissenting voice it was then admitted that the Legislature of Michigan, under her constitution, had no authority to give its assent to the condition contained in our bill. How, then, was the assent of the State to be obtained? The boundary line established by the constitution was to be changed, (for I take it for granted the Senator will not contend that the reference contained in that instrument to the act of Congress of 1805 did not fix the boundary.) How, then, I ask again, was the assent of the State to this new boundary to be obtained? The Legislature was out of the question. The Senator has not contended that this assent could only be obtained by a change to be effected in the constitution of Michigan, according to the forms which it prescribes. All that he requires is, that there should have been a previous act of the Legislature; but this would have been no compliance with the organic law. It would have been in direct opposition to it; and, therefore, I would ask, is not the Senator himself, upon his own principles, as great a revolutionist as myself or any other member of this body? If this change of boundary could only have been effected by an amendment to the constitution in the mode prescribed by itself, the proceeding would have been extremely tedious, involving a delay of at least two years, and a majority of two thirds of both branches of the Legislature would have been required. Under its provisions, one third of the people of the State could thus have prevented it from assenting to the conditions of the act of Congress, and from entering the Union. How was the gordian knot to be cut? Only by the great revolutionary principles, if the Senator will have it so, of referring the question directly to the sovereign power of the people of Michigan, in a convention of delegates. This was the course which the Senate took. It was the only course left for us to take. We had no alternative but to appeal to the sovereign power. Ay, sir, to this mad, revolutionary tribunal, which threatens with destruction all that we hold most dear. This appeal was made, too, without any objection on the part of the Senator from South Carolina.

And now let me ask, is there any danger in recognising this proceeding? I do not certainly know whether all the requisite forms have been strictly complied with by the people of Michigan in the election of delegates and in holding the convention; but sufficient evidence has been presented to satisfy my mind as to the substance. I shall not again repeat the facts. I will now barely mention that I have seen, this morning, the journal of the first part of the proceedings of this convention, containing an account of the manner in which the votes for the delegates had been canvassed; and I find that they have proceeded with the same forms as are observed in regard to their other elections.

But the Senator from South Carolina has advanced one most astonishing argument. He holds that, because there were no votes given against assenting to the condition proposed by Congress, therefore, the late convention must have been a mere party caucus. Now, I would draw from that fact a conclusion directly contrary. My inference would be, that there was nobody in Michigan disposed to vote against assenting to the condition. Nobody there has complained of this convention as a revolutionary assembly, or sent us a remonstrance because it was held without a previous act of the Legislature. That tender sensibility which has been manifested, respecting the State rights of the people of Michigan, has not been felt in Michigan itself. The people there have yet to be enlightened upon this subject. I have never yet heard of one dissenting voice; and I believe, for myself, that the proceedings of the convention at Ann Arbor truly represent the feelings of the people.

The sole reason why I did not vote for the amendment proposed by the Senator from South Carolina was, because I thought it necessary to ratify the assent given by the convention, in order to put at rest the question of boundary. Although I believe that the boundary line of Ohio, having been established by act of Congress, would stand without the consent of Michigan, yet I know too well what trouble and difficulty might arise in a contest of this nature, between two sovereign States acknowledging no common umpire. When such States are incidentally brought before the Supreme Court as parties litigant upon such a question, their conflict may shake this Union to its centre. I am for settling the question whilst Michigan is yet in the bud, and putting it at rest forever. It was only for this reason, and not for any miserable party purpose, that I opposed the gentleman's amendment. I believed that our recognition of the assent given by the Ann Arbor convention to the condition which Congress had proposed, was necessary to make a final end of this question. It was for this reason that I could not vote to strike out the preamble.

As to the Baltimore convention, which the Senator has introduced into this debate, I shall say nothing. As I was not a member of that body, I shall leave the defence of its proceedings to the Senator from North Carolina, [Mr. STRANGE.]

And now, sir, I might reply to some other arguments which have been urged by the Senator from South Carolina; but I am unwilling longer to occupy the time of the Senate. I should not have addressed you at all, but for the purpose of putting myself right in regard to my former remarks. The Senator in some parts of his speech has employed—he is in the habit of employing—very strong language, which, were I so disposed, I might apply to myself. As it was general, I shall not presume it was thus intended. I know that his nature is ardent; and, when addressing the Senate, his feelings become excited, and sometimes carry him too far. But we part in peace. Upon the whole, I shall vote for the bil as it

now stands, though, if the preamble were rejected, I should hesitate as to what course I ought to pursue.

Mr. CALHOUN here requested a few words of explanation, to which Mr. BUCHANAN signifying his assent, Mr. C. proceeded. The Senator admits that Michigan is a State; that, waiving forms, she was a State as soon as we recognised her constitution. I wish, then, to ask the honorable Senator whether he holds that Congress has a right to call a convention within a State.

Mr. BUCHANAN. To that question I answer, no. Emphatically, no. Congress has no more right to call a convention in South Carolina than in the moon. But, before the State of Michigan has entered the Union, Congress possesses the power of proposing to her a condition, upon a compliance with which she shall be admitted. The proposition thus presented she may accept or reject, according to her will and pleasure; and she may accept it, if she thinks proper, by means of a convention of delegates elected for that purpose, in the manner proposed to her by Congress.

Mr. CALHOUN. Then I would further ask the Senator, has Congress a right to offer a proposition to the people of a State, without addressing their Legislature?

Mr. BUCHANAN. Under the circumstances in which Michigan stood, Congress, in my opinion, had the right to make the proposition which they did make at the last session, and it was for the people of Michigan, in their sovereign capacity, to assent or dissent, as they thought proper.

Mr. CALHOUN. Congress has a right to make propositions to her constituted authorities, and the people of Michigan so understood our act.

Mr. BUCHANAN. The Senator will pardon me for contradicting him. The people of Michigan did not so understand our act. One of the very first acts of the first convention was to declare that the Legislature had no right to call that convention. The sovereign people of Michigan themselves objected to any interposition of their Legislature.

Mr. CALHOUN. Then the whole matter amounts to this: when a State has provided a regular course for amending her own constitution, and the State does not choose to call a convention in conformity with that constitution, Congress may call a convention in that State to alter her State constitution.

Mr. BUCHANAN, (in an under tone.) This may be the gentleman's inference; it is not mine.

Mr. DAVIS, of Massachusetts, said that, before the question was put upon the bill, he would ask the attention of the Senate while he offered one or two reasons for the vote he was about to give. I voted (said Mr. D.) at the last session in the negative, and propose now to give a vote which I deem to be consistent with that. I shall endeavor in all cases to be consistent with myself, whether I am right or wrong. I gave the vote alluded to from a conviction that it was a proper one, and I shall give a vote now which I am equally convinced is in the course of my duty here. We have come here in obedience to the will of our constituents, and what for? There is but one rule of duty, and it applies equally to us all. I have heard many subjects drawn into this discussion, and which had some, though a very remote, application to it; but here we are under only one great rule of duty. Before we can address this body, we are obliged to go to that table and swear, before Him who is invisible, that we will support the constitution of the United States. Who exacts this duty from us? Is it not the people of this country? And is not this the first and greatest and highest duty we have to perform on this floor? It is idle to talk of sovereigns above the constitution or below it. You have but one guide, and that is your binding compact. You have no right to know any other until that power which created this rule shall alter or amend it. What, then, is the question here? At a former session of Congress a portion of our population, claiming to be a State, presented themselves before us, with a constitution in their hand, and asked for admission into the Union. It is a great question, and I cannot conceive how any other anxiety can be felt in regard to it, but faithfully and honorably to discharge our duty. When this application was received, a controversy immediately arose, and the question presented itself whether Michigan was a State. I came to the conclusion that she was not, and I accordingly voted against her admission. I am now of the same opinion. To me it appears she has undergone no change which so alters her character as to justify an affirmative vote.

Much has been said of the elements of a State. What are they? Without fully answering this question, we can perceive some in which we all agree. There must be population and there must be territory, and I take it that no gentleman will advocate such an absurdity as to maintain that there can be a State, without some fixed limits. We cannot entertain the idea in our mind without thinking of a limited territory. The notion carries absurdity on its very face. How, then, did Michigan present herself before us? She came to our door and proposed to be admitted into the Union with certain defined limits. She said that the people residing within those limits had erected themselves into a State. Can people any where, at their own pleasure, make a State? Can that be done? Let us look at facts. The Territory of Michigan lies within the limits of the United States; it is part and parcel of that territory which is owned, occupied, and possessed, by the United States; for a Territorial Government is under the laws of the country. This Territory had a Governor, a Legislature, and judicial tribunals. It had a Government established and in operation. The Territory was claimed by the United States; the United States Government exercised jurisdiction over it. Will it be said that the people of such a Territory can rise up at pleasure and displace your Government, and yet be guilty of no usurpation? I presume no Senator will answer this question in the affirmative. The people of Michigan certainly held no such doctrine. They came to us and said, we have felt ourselves justified in forming a Government, but we have not done so on revolutionary principles, but under the sanction and according to the provisions of the ordinance of 1787. There they told us we should find the power expressly provided, and on that ordinance they took their stand. Now, what is that ordinance? In the year 1787 the United States owned all the territory north and northwest of the Ohio river, the whole of that region which now constitutes the three States of Ohio, Indiana, and Illinois, and the Territories of Michigan and Wisconsin. What did the ordinance provide? After enacting a sort of bill of rights, it declares that three States may be formed immediately north of the Ohio; it runs one north and south line from the mouth of the Wabash, declaring that the territory west of that line should constitute one State. It then runs another north and south line, starting at the mouth of the Great Miami, declaring that the country east of that line and north of the Ohio shall constitute a second State, while the territory between these two lines shall form a third one. This covered the whole region. Here comes the provision on which the people of Michigan relied, as justifying them in the formation of a constitution without the previous action of Congress. I will read it:

"And it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly

bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State Government, provided the constitution and Government so to be formed shall be republican, and in conformity to the principles contained in those articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."

This provision gives to Congress a discretionary power to form either one or two States, at pleasure, out of that remainder of the territory which lies north of an east and west line so drawn as to touch the southernmost extremity of Lake Michigan.

Now, you have made your three States of Ohio, Indiana, and Illinois, and you have erected a Territory of Michigan; but where does it go to? How far does it extend? Over the whole country north of this line, embracing what is now called the State of Michigan and the Territory of Wisconsin? I ask if it is not perfectly plain that, according to this ordinance, it is a matter of discretion with Congress to create in that territory one State or two States; and if the power is in Congress, what right have the people of Michigan to settle the question? How can the people of that peninsula settle a precedent question of boundary in the territory of the United States? Have they any such authority? They have none. This ordinance does not give them a particle. On the contrary, the question is left solely and exclusively to the discretion of Congress. And neither in this ordinance, nor any where else, within my reading at least, is authority given to the inhabitants of the peninsula to decide it. But this the people of Michigan undertook to do, and this is the only color of justification they had. The ordinance declared that, whenever there should be a population of sixty thousand people within any of the respective limits which it had laid down, they might be formed into a State, and admitted into the Union. But Michigan, though she had population enough, seemed to forget that no State could exist, until Congress should have first settled the question of boundary, and decided whether there should be in the territory one State or two. Michigan, then, most clearly had no power or authority under this ordinance to erect herself into a State, form a constitution, and demand admission into the Union. She was not a State, nor could she be. How did she come here, then, and what did she claim? By previous acts of Congress, you had given to Illinois a large portion of territory north of the line running east and west through the southern extremity of Lake Michigan; and in respect to Indiana, you had done the same. While Ohio, by a provision in her constitution, claimed another portion north of that line, and, without objecting or assenting to the claim of Ohio, you received her, under that constitution, into the United States; Michigan, in the mean while, claimed the very portions of territory which you had given to Indiana, and which Ohio claimed. She said that the inhabitants of the entire peninsula, as far down as the east and west line already mentioned, had a right to erect themselves into a State, and to form a constitution for the whole. This was the ground on which Michigan came to the Senate. I was not then convinced that any such State existed, and I still remain unconvinced.

But the Senator from Pennsylvania says that we may waive irregularities. Perhaps we might, if the State you were to create had the identical boundaries claimed by Michigan when she formed her constitution, and the people you admit are the same that made the constitution and offered themselves. But what was the feeling here at that time? Was there a man here who would admit that Michigan was then a State? There was not one. You prepared, with great care and caution, a provisional act of admission, which subsequently became a law. And what appears on the face of it? Can any man read that act, and not admit that its passage was necessary because there was no State then? You admitted her on condition; because, by the law, you gave her a new boundary. You excluded her from the territory which you had given to Indiana, as well as from that claimed by Ohio; and, to compensate her, you added territory lying north and west of the lake, large enough for a State; and then you declared that, if she would give her assent to these bounds, she should be admitted into the Union. Was not that admitting that Michigan, as she stood, was not capable of coming in? The question went back to the people of Michigan, and what was done? The Legislature of Michigan called a convention of the people. It met, and considered the question, and finally concluded not to consent to the boundary. But, at a subsequent period, an irregular convention came together by the spontaneous movement of individuals, and without authority from any one—a voluntary collection—and declared its assent. Well, sir, how did that place the matter? You have got the consent of a convention, as it is called; but does that remove the difficulty? What did you send the matter back for? You sent it back that the people of Michigan might alter their constitution, so that the bounds of their State jurisdiction might be changed, by withdrawing jurisdiction from the territory claimed by Ohio and Indiana, and asserting it over the added territory. And has it been done? The constitution has not been changed in a letter. It stands just as it did. The jurisdiction of the State has neither been withdrawn from that territory you gave to Indiana, nor from that claimed by Ohio, nor extended to that which you assigned her on the other side of the lake. How can she extend her jurisdiction to the one, or withdraw it from the other, but by altering her constitution? And is her constitution altered? Not a letter of it. The convention at Ann Arbor claimed no right to alter the constitution, and they had none. By their own constitution there are but two modes provided according to which that instrument can be altered. I need not trouble you with the detail; I will only state that the process must originate with the Legislature. This is the provision of her own constitution. And was not that constitution ratified, in 1835, at the ballot-box? And how can its provisions be waived? Her constitution provides two modes, and it has not been done according to either. The convention did not pretend to alter the constitution; they claimed no such authority. Who was it, then, that came here last year? It was the people of the Territory of the peninsula of Michigan, including a part of Indiana and Ohio. They have not, then, withdrawn their jurisdiction from the lands and people in these two States. They propose the same constitution now that they did then. It was the peninsula of Michigan last year, and it is the peninsula of Michigan this year. The same constitution, the same people; yes, the same that the Senate unanimously refused to admit into the Union.

Much has been said about the injustice of Congress in delaying its action touching the admission of Michigan. The charge may be true, but it does not affect me. I had no part in effecting the delay. But, whatever may have been our fault, it is not to be rectified by the adoption of violent means. We may resort to those measures, but it will not help the argument.

Again: I may say, individually, that I have no objection that Michigan should enter the Union. I believe that

the population of that Territory ought to be a State in this Union. My only difficulty refers to the manner of the admission. If there has been no change in their condition since last year, and last year you could waive the difficulty only by calling a convention, why is there not the same difficulty now? If Maryland had presented herself one year alone for admission, and the following year should come in company with Delaware, would the question of admission be the same? Certainly not, because it would not be the same body of people that were asking admission. Nor could a constitution made for Maryland cover Delaware. Yet, by admitting Michigan, you propose to cover with the constitution a great additional territory. Can it be done? Only by doing violence to constitutional principle, and, I will add, to common sense. I do not know that gentlemen can satisfy themselves by saying that the difficulty is immaterial. Is it the same body of people who applied last year? None of them were beyond the lake, and part now to be excluded were in Ohio and Indiana. This constitution neither covers nor asserts jurisdiction over the Territory now proposed to be admitted. Are you not, then, about to admit a State without a constitution? I beg gentlemen to consider this objection. I do not really see how this is to be argued down. How is it to be grappled with? And how is the constitution now offered to be the constitution of that Territory which you propose to admit as a State? I am told that the population is not numerous. Be it so. How does that alter the question?

I will now ask the attention of Senators to another point, and I refer to it without the remotest feeling or thought of unkindness towards those who have been elected Senators from Michigan; on the contrary, it will give me great happiness to be associated with them. But suppose the argument to be true, that under the ordinance of 1787 the people of the peninsula could not create themselves into a State, what does your constitution provide? It requires that the Senators in this hall shall all be elected by the State Legislatures. No other process is provided. Now, I ask, was Michigan a State at the time she exercised the power of appointing these gentlemen? You did virtually say by your law that there was no State then. You did not even undertake to waive the objection on this ground. You said that Michigan had no power to fix her own boundaries, and that she should not have the boundary she had fixed upon, and that the body which had elected their Senators could not, with those boundaries, be received as a State. This is an irregularity that you cannot waive. You cannot legislate members into this body. The constitution is imperative, and there is no such thing as compromising this objection. Now you propose to readmit Michigan, and who will come here as her Senators? Will it not be the very individuals who are thus elected? And the same objection will apply to the member of the other House. The constitution requires that those who vote for members of Congress shall be those who vote for the most numerous branch of the State Legislature. But Michigan, being no State, has no State Legislature; and how is she constitutionally to get members of Congress? I have sworn to support the constitution of the United States. I cannot break that oath from feelings of friendship. I had rather that my friends should suffer, and that the admission of Michigan should be postponed.

Mr. KING, of Georgia, said he had hoped that opposition to the bill would have ceased, as was usual, on the second reading. Although he was one of the committee that had been so severely rebuked for reporting the bill, so much time had been consumed with it, that he had determined to say nothing on the subject. As there was an obstinate determination to continue it, he would say a few words to justify the opinion to which he was committed by consenting to the report. He would not inflict a regular speech on the Senate. It had already suffered too much by the cruelty of others. In fact, if disposed to do so, he would not know how to commence, or where to begin; whether at Mr. Dallas's letter, the Baltimore convention, the revolutionary spirit of Maryland, or the divine right of Government to perpetuate and enforce its own authority, independent of the constituent power. These subjects had principally taken the place of the one before the Senate. A very strained effort had been made to raise the question into a magnitude and importance which did not belong to it. It was simply one of fact, unless we were disposed to unsettle every thing which had been determined at the last session, and trace the history of society from its earliest stages to the irregular oganization of the Territory of Michigan. As one of the committee, he had not done this, nor should he do it now. He had confined himself to the fact, whether the people of Michigan had accepted the terms we had proposed to them. On this subject, he had examined the evidence, weighed it, and come to a conclusion. He had the kind and quantity of testimony which he would require to convince him on any similar occasion. It had not, to be sure, as had been required by the Senator from Carolina, the technical formalities that would entitle it to admission "in a justice's court." They had not the witnesses, book in hand, to prove the handwriting of the note or the signature to the bond. And who ever heard of such evidence being required as the foundation of legislation? Nations did not legislate on the technical evidence required by a justice's court. They acted on such probabilities as produced moral conviction of the existence of a fact. We legislate every day on printed papers, without seeing the originals; on certificates, not under oath; on publications and letters; and even sometimes the most important legislation was based on public rumor; public evidence being sufficient, in many cases, for public purposes. The great object was to be convinced, without regard to technicalities in the means of conviction, which were well enough in "justices' courts," but could not be required in the business of legislation, where the very notoriety of every proceeding rendered imposition less probable.

North Carolina, he said, had been referred to. Well, it was possible that a majority of the people of North Carolina had never expressly consented to come into the Union. He ventured to say that no strictly technical evidence that a majority voted was required on her admission, such as would have passed a court of justice. And North Carolina might undertake to prove hereafter that a majority never consented, though she had never made any objection, and had long received the benefits and performed the duties of a member of the Union. But this was very improbable. The same possibility existed in the case of Michigan. Though the most important subject ever agitated among the people had been fully agitated in every part of that State; though public elections were held in every county but two; though it was well known what was the subject of the convention; though it was well known that its only object was to reverse the decision of a previous convention, on a subject which they ranked among the dearest of their interests; although these delegates publicly met, publicly deliberated, and publicly decided unanimously on the subject on which they were called to deliberate, and publicly went home among their constituents, from whom we have heard not one syllable of complaint, either by letter, public meeting, legislative remonstrance, or even a newspaper paragraph; although we knew all these things to have taken place by the proofs before us, and not brought into doubt by a single whisper of evidence on the other side, yet it may be possible that the majority of the people disapprove the proceedings of this conven-

tion; but it was one of the most improbable things that ever happened in the course of human events. He could not be influenced by possibilities so remote, and was therefore satisfied that the people of Michigan had consented to the terms proposed to them by Congress, to agree to a boundary and come into the Union.

But some gentlemen, admitting this, insisted that the proceeding was revolutionary; that to allow the people, in primary assemblies, "to set themselves up above the legislative authority," (to use their own language,) struck at the very foundation of our institutions. This was strange doctrine at the present day. It was the doctrine of the house of Stuart, and of Bourbon of Austria, and of Brandenburg. It was the doctrine of the holy alliance. It was the doctrine of despotism. It was a doctrine long since exploded, he had thought, by all free Governments, particularly by our own; and if he thought there were any material portion of the people of the United States who entertained such doctrines, he should feel as much real alarm as gentlemen had imagined they felt at the proposition of the committee. The whole of our institutions, both State and Federal, were based on this "monstrous principle," and had no other right to rest on.

The debate had been a most extraordinary one. Gentlemen had conjured up frightful pictures, and then got frightened at the works of their own imaginations. The Senator from Ohio had stated himself to be a plain matter-of-fact man. He certainly would not question the veracity of his friend as a man of truth; but if he would allow him to call his errors misapprehensions or mistakes, he would join issue with him on his statement that he was "a plain matter-of-fact man." He (Mr. K.) had never known so many rhetorical flourishes, flights of fancy, irrelevant references, and false analogies, brought into any discussion upon any grave and important question. Something like the visions of Constantine were revived. Armies were seen marching and countermarching in the air, belted with "Bowie knives and duelling pistols." Terrific scenes of liberty trampled under foot, bugles, bayonets, bombs, and blunderbusses, haunted the minds of gentlemen, as the sure consequences of the proposed measure. After these, and many such fancies, (said Mr. K.,) which gentlemen have connected with this measure, they prove it all by what they call coming to the point, with a grave proposition—and that is, "if we establish the principle, say they, that the Federal Government can call a convention in one of the States in this Union, liberty is lost, the constitution is gone." Despotism, they think, will stalk unopposed over the land, and all State rights will vanish like a sprite.

One who had heard all this waste of eloquence on this proposition, and who knew nothing of the matter, would naturally suppose that some such proposition was fairly the subject of discussion. But, so far from this, nothing even like it had been proposed or maintained. Congress had not called any convention in one of the States of the Union, or even in Michigan, who was not in the Union. The plain truth was, that Michigan had been a Territory, and founded a constitution and State Government, somewhat irregularly, and applied for admission into the Union. Congress, after much debate, agreed to waive all previous irregularity, and allow Michigan to be a separate and independent community. But, at the same time, we virtually said to Michigan, that, under the constitution she had formed, her boundaries were uncertain and equivocal; that she would probably insist on boundaries that would include territory of which we had a right to form another State, or had already transferred to others. We did not wish to bring a quarrel into the confederacy, by her admission with unsettled boundaries, and therefore we could not admit her until her people, in convention, should agree to a boundary proposed. This was the whole affair. A very simple matter, when plainly stated and fairly debated. There was no "call" of a convention by Congress, in a State of the Union, or any where else. There was no law to be enforced, or disobedience to be punished. No federal officer was to be sent by an executive despot to hang up the refractory. It was only a proposition made to Michigan, in answer to one made by her, which, if she accepted, she was to come into the Union, and if not, she remained out of it. The awful consequences existed only in the imaginations of gentlemen who exerted themselves to give a fictitious importance to this bill.

But (continued Mr. K.) gentlemen ask, why did Congress refer this matter to the people of Michigan, and what right had the people to act without the authority of the Legislature? Why, just because Congress knew, after looking at the constitution of Michigan, that the Legislature had no more power to act than it had to change the succession of the seasons, or abolish the community which it was organized to represent. If Michigan were a State, and not in the Union, this consent involved an important change in her organic law, besides a change of boundary; for, by consenting to the condition we had proposed, her people parted with all the important rights of sovereignty which were surrendered to the General Government by each of the States.

An organic law could only be changed by the people in an elementary state of society, above the constitution, unless the constitution provided for the change. A free constitution was only a political power of attorney, containing the principles on which the Government should be administered, conferring powers for the purposes named in it, until revoked by the constituent authority. The Legislature had to look for their powers in the constitution, and could not go beyond them. But to say the people, in their high sovereign capacity, had no power to change or modify, or even abolish, their constitution, when not restrained by the federal constitution, was equivalent to saying that a merchant could not revoke a power of attorney given for commercial purposes. Even where the constitution contained a provision authorizing the Legislature to call a convention, it might still be likened to a power of substitution in commercial persons, where both the original power and power of substitution were subject to the control of the principal. States, however, should never change their constitutions for light causes; but where a necessity existed, the right was unquestionable. It was a revolutionary right, as was every right to change a constitution of Government, however slight the change. It was, he said, no less a revolutionary right, when exercised peaceably, than when it was exercised by force, which only became necessary when the right was opposed.

Mr. K. said the Legislature might call a convention when there was no express provision in the constitution to do so; but the convention derived no additional authority from the call; it was only recommendatory. But if the people met, as recommended, and acted upon their organic law, the subsequent ratification would supply the the previous want of authority. In whatever way they might be convened, however, their acts were not irrevocable by themselves, but it was a striking feature in the case of Michigan, that both the conventions seemed to have understood perfectly well that the Legislature had no right to intermeddle in the matter; and they accordingly both protested against it. This was a principle so palpable, that all classes and all parties seem to have understood it in that new State, however difficult it seemed to be for some gentlemen to understand it here. Mr. K. thought that the matter had been rightly referred to the people themselves, independent of the Legislature, as they alone were capable of making these important surrenders of sovereignty.

Mr. K. then briefly noticed some remarks of the Senator from Massachusetts, [Mr. DAVIS,] who had stated that Michigan could not be a State, as, when she formed her constitution, she had no fixed boundaries. The Senator from Massachusetts, Mr. K. said, had insisted that a fixed boundary was inseparable with the idea of a State; and as the United States had claim at least to a part of the territory over which Michigan claimed jurisdiction when she framed her constitution, she could not be considered as a separate State. Mr. K. said it was perfectly true that a nation must have a territory over which it exercised jurisdiction; but an undisputed boundary was not essential to an independent State. A community might be independent, and very powerful too, whose boundaries were not well defined. Our own boundary was disputed in the Northeast; and who could state the precise boundaries of Russia? Yet Russia and the United States were none the less independent communities of people because their boundaries were not well settled.

Mr. K. then adverted to the preamble to the bill, which had been so strongly objected to that some gentlemen were willing to vote for the bill if the preamble were stricken out. He said, as both Michigan and Ohio now wanted the restriction removed, and Michigan admitted without restriction, he would certainly have no objection, if no body else were concerned but Michigan and Ohio. If these States had any disinterested love of fighting, if he were to consult his own feelings, he would say, let them go at it and fight it out. But a community of States, he thought, should act on the same principle as a community of individuals. They should keep the peace among disorderly members. It would frequently gratify two bullies to settle a quarrel in the public streets, surrounded by a mob, but no well-organized community would permit such disorder. This squabble between Michigan and Ohio, about a few acres of ground, might set the whole Union into a blaze, and possibly cost the Government millions of dollars to put it down. If the restriction were retained, he had no doubt Michigan would continue to observe it in good faith, and we should hear no more about it. We should, most likely, avoid the horrors of another Toledo campaign. He had, therefore, thought it best to retain the preamble, and not repeal the condition; and he hoped the bill would pass, and pass just as it was.

The question was then taken on the passage of the bill, and it was passed, by yeas and nays, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, Wright—25.

NAYS—Messrs. Bayard, Calhoun, Clay, Crittenden, Davis, Kent, Moore, Prentiss, Southard, Swift—10.

The Senate then adjourned.

FRIDAY, JANUARY 6.

BUILDING FOR UNITED STATES COURTS AT PHILADELPHIA.

Mr. BUCHANAN presented the memorial of sundry citizens of Philadelphia, praying that an appropriation may be made for the erection of a suitable building for the accommodation of the courts of the United States, and also for the erection of a penitentiary at that city.

Mr. B. said, in presenting the petition, I recommend it to the consideration of the Judiciary Committee. I can say we have brought the penitentiary system in Pennsylvania to perfection. Our plan has become a model, not only in many parts of this country, but in Europe. And as it will be necessary, at no remote time, for the United States to erect penitentiaries, it appears to me that there is not a more suitable place where to commence than Philadelphia.

Mr. CALHOUN called for the reading of the memorial; and it having been read, Mr. C. said he had no objection to its being referred to the Committee on the Judiciary; but he hoped they would pause and weigh the question a long time before they would give their assent to our commencing a penitentiary system of the United States. There was patronage enough exercised by the General Government already—its powers were great and extensive, without their being introduced into a State. He objected to a State and General Government acting together. He merely threw out these suggestions to the committee, in the hope that they would pause a long time before they would give their sanction to the commencement of the proposed system.

Mr. GRUNDY said he did not object to the reference of the memorial to the committee of which he was a member. But as to pausing a long time on the subject, he had made up his mind, and he would say that, so far as he could judge of the disposition of his colleagues, they would not pause for any length of time; for the committee would report in a few days, not only on the subject of penitentiaries, but on court-houses also.

Mr. BUCHANAN remarked that he was sorry to hear that the chairman of the Judiciary committee had made up his mind on the subject. It appeared to him (Mr. B.) that at some period, not very remote, it would be necessary for the Government of the United States to erect penitentiaries. How could it be avoided? As long as the Government of the United States are a Government executing their own laws, and punishing offenders against them, they must make some provisions for their punishment. The States, without entertaining any hostility to the Government of this Union, might find it very inconvenient to accommodate the prisoners sentenced by virtue of the laws of the United States. What was to be done? Were they to be set at liberty? Were they not to receive the punishment inflicted by the laws? He could not suppose that any State would not show a proper comity to the United States courts. But suppose it should happen that they were unable or unwilling to do this, in what a situation would the Government be placed? He could not, he confessed, see in this thing any interference with the rights or the liberties of the States. He had no idea that his calling the attention of the Judiciary Committee to the subject would have caused the least debate, or he would not have done it.

The petition was referred to the Committee on the Judiciary.

TREASURY CIRCULAR.

On motion of Mr. CLAY, (Mr. EWING, of Ohio, having been called home by sickness in his family,) the Senate proceeded to the further consideration of the joint resolution repealing the Treasury order of July last, &c. The question being on the substitute offered by Mr. RIVES, for refusing, by the United States, the paper of such banks as should issue bills under certain specified denominations—

Mr. SOUTHARD addressed the Senate on the subject at large, in continuation and conclusion of his former remarks on the subject, as given entire in preceding pages.

THE MINT BILL.

On motion of Mr. WRIGHT, when Mr. SOUTHARD had concluded his remarks, this subject and all the other previous orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives supplementary to the act for establishing a mint and regulating the coins of the United States.

The amendment proposed by the Committee on Fi-

nance, extending the limit of wastage allowed to the chief coiner, from one one-thousandth part to one and a half one-thousandth part, was adopted, and the bill, so amended, was reported to the Senate.

Mr. WRIGHT entered into various explanatory details, showing some small changes contemplated by the bill.

After which, the bill was ordered to lie upon the table, but subsequently was taken up, and ordered to a third reading.

After transacting some other business, the Senate spent a short time in executive business.

The Senate then adjourned.

MONDAY, JANUARY 9.

The CHAIR presented the credentials of the Hon. SAMUEL PRENTISS, re-elected Senator for six additional years, from the State of Vermont.

Also, the credentials of Hon. WILLIAM C. PRESTON, re-elected Senator from the State of South Carolina.

TREASURY CIRCULAR.

On motion of Mr. CLAY, the previous orders were postponed, and the Senate proceeded to the further consideration of the joint resolution rescinding the Treasury order of July, 1836.

The question being on Mr. RIVES's substitute,

Mr. STRANGE rose and addressed the Chair as follows:

Mr. President: It was not my purpose to have addressed the Senate to-day, but as some gentlemen, who desire to be heard on this question, have deferred their preparation from an expectation that I would occupy the floor, I am unwilling that inconvenience should result to a member of this body from any misconception arising from intimations I may have given. Therefore, although not prepared to my own satisfaction, I will ask the indulgence of the Senate for a few moments. I could have voted upon the original resolutions of the Senator from Ohio *sub silentio*, because, in so doing, my vote would have explained itself; but in adopting the substitute of the Senator from Virginia, I shall be placed in an equivocal position before my constituents, and therefore think it necessary that certain explanatory comments should accompany my vote. I will not deny, that as thoughts flowed in upon my mind during the discussion of the original question, I occasionally felt disposed to give them utterance; but prudence, that cowardly and sometimes assassin virtue, destroyed each embryo purpose as soon as it was formed. But now she changes sides, and whispers me that it is due to myself, and those whom I have the honor in part to represent, to crave the indulgence of the Senate for a few moments.

I am opposed to the original resolutions, because they proposed to rescind an executive order. I do not mean by this a mere verbal criticism, for I suppose the honorable Senator really meant what his resolution contained, and proposes to rescind or repeal an executive order by a vote of the National Legislature; and this, with due deference, I conceived to be a manifest solecism. The legislative, executive, and judicial departments of this Government are wisely separated by the constitution, and one cannot interfere with the province of another. The legislative prescribes rules for the executive and judiciary, but cannot itself perform any legislative or judicial function, except in the special cases set forth in the constitution. Congress may, if it be necessary and proper, command the Executive to repeal the Treasury order, but cannot itself repeal it. Congress passes laws for the government of every citizen, from the highest to the lowest, and at his own peril he yields or withholds obedience. As well, and even with more propriety, might the Supreme Court say it repeals an act of Congress, when it pronounces it unconstitutional, and refuses to enforce it. And as well might Congress say it repeals a decision of the Supreme Court, when that decision, having opened its eyes to some defect in the existing law, induces it to prescribe a new rule for future action. Even when the decisions of the court are palpably repugnant to the existing law, Congress cannot repeal them. Congress may direct what decisions shall be made in future, but cannot repeal those already published. Neither can it repeal the decisions of the Executive. The Legislature prescribes rules for the government of both these departments, and to each of them it must be left to apply them; and each must, in the first instance, judge how far its own actions square with the rules prescribed, upon its own official responsibility. A direct declaration of repeal, therefore, must be altogether inoperative, and of course an absurdity. The truth is, this Treasury order is altogether an executive act, and can only be undone by executive authority. Congress may command its repeal, and doubtless the Executive would yield such command respectful obedience. But it strikes me there is something in the mode of this undertaking to effect the repeal of the Treasury order, not consistent with strict parliamentary propriety; at least, not altogether consistent with the professed purpose of those who desire its repeal. It is laid down in Jefferson's Manual, the highest authority acknowledged by us in such matters, that "When the House commands any thing, it is by order. But facts, principles, their own opinions and purposes, are expressed in the form of resolutions." Now, the resolutions before us, while they assume the name of resolutions, effect the office of orders, and to perform more, as I think I have before shown, than even an order would be competent to accomplish.

But, again, I am opposed to the resolutions, because they propose to prescribe a rule, unnecessarily, as I conceive, in a matter where, from its nature, a large discretion is desirable, being highly convenient, and in no degree liable to dangerous use. I know it is the fashion of the day to suppose that the executive authority is the only one liable to abuse, or in any way likely to threaten the liberties of the country. Among the blessings, Mr. President, for which we of the present day are debtors to Heaven, there are none, politically speaking, for which we have more just reason to be grateful, than that the formation of our constitution has not been left to our own hands; that we have received it ready formed, in all its beautiful proportions, by men who seem to have been commissioned by Heaven for this very thing. Surrounded by an atmosphere just purified by the storms and convulsions of the Revolution, every one feeling more strongly than any other want that of an equal, wise, and impartial Government, they addressed themselves to the task with no faculty biased by local or personal passions. They sought for truth with their visual organs purged from the mists of prejudice, and they found her. They listened to her inspired instructions, and penned the happy constitution under which we now live, the envy of other nations, and the pride of our own. They divided Government into three departments, and prescribed the sphere in which each should move. Harmony and safety will ever attend its action, while each strictly observes the law of its creation. But it is difficult to say from which the most direful results are to be apprehended, should it with eccentric movement forsake its natural orbit, and invade those of its sister planets. Viewing this matter in the light of experience, we should be led to suppose that from the legislative department there was the greatest reason for jealousy of usurpation, or invasion of the province of others. The most remarkable and desolating revolutions of which modern history furnishes an account are those

of England and France, and the complete prostration of the executive and judicial authorities beneath the feet of the legislative marked those sanguinary events. But to press this portion of the subject no farther, suffice it to say, that true wisdom dictates to each department great forbearance towards the others, and a no less scrupulous abstinence from infringing upon their rights, than a jealous care of its own. The collection of the revenue is strictly an executive act. The Legislature, to be sure, can alone prescribe the subjects of revenue, and the mode of its collection; but the funds, to use the language of the resolution, in which receivable, is, in the general, a fair subject to be left to the Executive, under the constitution, and the broad range of circumstances which may from time to time arise. The general principle, certainly, (from which neither common reason nor convenience will allow of any wide departure,) is, that the public revenue should be collected in what is obviously equivalent to so much gold and silver, the acknowledged standards of value both by the constitution and the usage of trade. What is so equivalent must depend greatly upon circumstances continually fluctuating—the currents of trade, and the peculiar application for which any given portion of the revenue is designed. Sometimes the ease of the citizen may be consulted to a great extent, in perfect consistency with the security of the Treasury; and at others, nothing short of the precious metals themselves will serve the purposes of the public demands. I do not mean to say that Congress has not the power of dictating even the funds in which the revenue may be paid, or that there is any thing improper in her doing so; but that, in general, the officer whose business it is to supervise the Treasury, in his turn under the supervision of the Executive, will be well capable of judging, and much more competent to act to the advantage of the public, under sudden emergencies, (which no human sagacity is sufficient to foresee,) when untrammelled by rigid, inflexible rules; and, therefore, unless strong considerations call for the enactment of such rules, it is far better to leave him with the responsibility upon his own shoulders, which, without such enactments, would rest there. Thus the executive class of public officers would be stimulated to more activity; feeling, in addition to their responsibility to us, the representatives of the people, a direct responsibility to them, our common masters, for the wisdom and fidelity of their action.

I am further opposed to the resolutions, because they proceed upon a principle altogether unknown to custom, and directly at war with sound policy. In general, either a public or private agent is bound to collect the debts of his principal in specie, or something clearly its equivalent; his undivided attention should be directed to the interest of him whom he represents. Truly, that disposition to oblige, which, with rare exceptions, characterizes all intelligent men, and still more, in public matters, that love of popularity by which alone, in our country, men are either elevated to office or suffered long to retain it, are ample guarantees that the debtor will not be subjected to inconveniences not demanded by the agent's own responsibility to his principal; and these are all that have been heretofore thought safe to allow the debtor, or at all reasonable for him to ask. In fact, it generally happens that consultation of his own ease in making his collections with the least labor and trouble, the law of kindness, and the love of popularity, induce the agent to relax from an observance sufficiently rigid of the interests of his principal, and to receive payment in funds not the most valuable, if not, in many cases, somewhat doubtful. Such seems to have been at one time, to a very alarming extent, the fiscal experience of this Government. But these resolutions propose to spur the flying steed, to impose that as an obligation towards which there is already a natural and dangerous proclivity. They propose essentially to change the office of the head of the Treasury Department, and, requiring him to overlook the security of the national property, compel him to receive the national dues in a class of funds from which the debtor, having the right of selection, will of course choose what will be most easily obtained, and consequently, in all probability, the least safe and valuable.

I am again opposed to the resolutions, because, as I conceive, they are intended to censure the President of the United States. If any doubt rested upon the mind, upon the mere perusal of the resolutions themselves, that doubt must cease as soon as we listen to the comments of their advocates, and the reasons which urge them to their support. Some of the reasons upon which they are avowedly supported are the evil motives ascribed to the President, in causing the issue of the Treasury order they are designed to repeal. He is, in effect, charged with falsehood; for the Treasury order bears upon its face, doubtlessly under his own authority and direction, the motives which induced him to give it existence; and we are here publicly told that his true motives were of an altogether different kind; thus directly charging him with an attempt to deceive the public, in placing before it false motives for his official action. But this is not all. He is not only charged with falsehood, but at least one of the motives imputed to him is in itself altogether base and dishonorable. We are told that some of the land speculators alluded to in the order were his own particular friends, whose interest he was solicitous to promote; that they have already made large investments in the public lands, and are threatened with loss, or at least a necessity of holding for an inconvenient length of time, should the United States continue to be a competitor with them in unrestricted sales; and that, while the United States is demanding specie, they, by selling for paper, would acquire a preference in the market, and be enabled to command better prices; thus making the President of the United States, in forgetfulness of his high station and his well-earned honors, to sell the latter for trash to enrich his friends, and prostitute the former to gratify their avarice. Another motive assigned is, that being in heart opposed to the deposite law of the last session, he was desirous of throwing every difficulty in the way of its execution, to verify the evil omens uttered by himself and friends in relation to it, and to render it odious in the eyes of the people. To accomplish all this, the Treasury order was framed, in the hope that the pressure and embarrassments it should produce might be imputed to the deposite act. It may be that the President of the United States was not well inclined to the deposite act, and that in truth it is a mischievous measure, some of the evils of which are now demonstrating themselves; that those are now feeling them who could not in any other way be brought to dream of their existence; that in fact the connexion between present difficulties and the deposite act is so intimate as to make it appear that one was got up by previous design to accompany the other. But however all this may be, it is well known the present Chief Magistrate is not a man to accomplish his views by any indirection; that a bold and manly, and, as his enemies think, a rash and reckless policy, is one of his characteristics. Yet gentlemen who advocate these resolutions ascribe to him conduct highly disingenuous, and motives exceedingly dishonorable. It is not my wish, in malice, to impugn the motives of any one; and if I should refer unfavorably to the motives of a party, I hope no gentleman within or without these walls will consider it personal to himself, or springing, in the slightest degree, from individual feeling. We are all men, and are all liable to have our judgment warped, however clear and intuitive originally, by the allurements

of persuasion, the fascination of affection, the delusions of prejudice, or the madness of passion; and when I find myself differing with another, I am always willing to suppose, and have it supposed, that either he or myself have fallen under subjection to one of these malign influences.

There are gentlemen still living, and on the theatre of public action, whose fame once fired my infant soul with admiration, and whose fame I still cherish as the boast of my country. But God has given to every rational and responsible being faculties by which he is bound to try the actions and opinions of others as well as his own; he must be obedient to their decisions, and not suffer himself to be led captive at the chariot wheels of authority. Tried by this standard, I have found those whom I once viewed as little less than demigods, men of like passions with myself, and in like manner subject to idols, as the learned Lord Bacon has been pleased to term the various delusions to which the human mind is exposed. While, therefore, I am still disposed to accord to them the fame they so justly merit, and allow to them at the same time patriotism equal to that of Curtius, who sealed his with his life, I yet see in them motives to assail the present administration well calculated to mislead them, and find in them a practice of indiscriminate condemnation of all its measures. Like the Jews of old, their cry continually is, "can any good come out of Nazareth?" They must be indulged in the cry, but it is the duty of every one who loves his country to answer that cry, in all its various modifications, whenever he shall believe it groundless, with instant denunciation, lest the people become deluded by it, and stimulated, as of old, to the sacrifice of their best friend, their truest benefactor. Let me not be misunderstood. Much as I esteem and admire General Jackson as a patriot and wise statesman, let it not be said I have ever uttered the blasphemous thought that he bears the most remote comparison with the sacred personage who fell a victim to Jewish persecution. But I do insist that to these original resolutions it is a just cause of resistance that they are designed to swell the cry of disapprobation against an administration pronounced, as I understand, by Nathaniel Macon, the political patriarch of North Carolina, the best this country has ever witnessed.

But this objection is intimately connected with another; and that is the tendency of the adoption of these resolutions to the re-establishment of the United States Bank. The whole of the party with whom I have the honor to act concur in the opinion that this institution cannot exist consistently with the constitution; and many who differ from us in other matters unite with us in believing it one highly dangerous to the public weal. But these are questions not now for discussion; they may be considered as settled by the verdict of the people. But, sir, a new trial is moved for, and all sorts of devices are set on foot to prepare the mind of the only tribunal which can decide whether or not it shall be granted to lend a favorable ear to the application. None is more likely to be successful than the conviction that the fiscal concerns of the country are prone to gross mismanagement without it. If, therefore, Congress shall, by the adoption of these resolutions, give color to such a belief, gentlemen have already warned us in their speeches of the bearing it is likely to have upon the question of the recharter of the United States Bank. This recharter is, in my humble opinion, the main object for the accomplishment whereof the present administration is abused and vilified, and all the other party machinery set to work. Among other things, with the cunning characteristic of a certain little animal common in our country, the bank pretends to be dead. But it is a delusion: the monster is not dead; it does not even sleep. I owe it to the respectable gentlemen connected with that institution, some of them my highly esteemed personal friends, to say that my hostility to the bank is entirely political. To more able, and, for aught I know, more honest hands, hearts, and heads, than some who have heretofore held some control of its affairs, they could not have been committed. But, even with them, flagrant abuses have attended its administration, and the freedom of elections, that life-spring of our political system, been seriously threatened. If these things happen in the green tree, what will be done in the dry? If honest men are borne away upon the tide of human passion, what may we expect when, as in the common course of things may well happen, mere stock-jobbers and knaves shall rule over its destinies? Every tendency, then, to its recharter ought to be resisted, even if the problem were demonstrated that we could not manage our fiscal concerns so well without it.

These, sir, are some of the reasons that would have indisposed me *a priori* to support the original resolutions. But gentlemen say they ought to be adopted, and the order rescinded, because it was issued in contemptuous disregard of the opinion of the Senate, expressed at its last session. If this be so, it is a grievous fault; and that the alleged perpetrator hath not been called upon more grievously to answer it, is, to my mind, proof positive that the accusation is groundless. The circumstance which, as I suppose, gives color to this charge is, that at the last session of Congress it was proposed in the Senate to adopt a resolution substantially conformable to the present Treasury order, which a majority of the Senate refused to do. To test this matter, let us suppose the administration the private agent of a private individual, whom we will imagine to be Congress. In some of those moments when the mouth unconsciously pours forth the fulness of the heart, the agent overbears his principal, while casting over in his mind the large estates of which he is the proprietor, and the vast sums of money which, by way of rent, are pouring into his coffers, "I believe," says he, "I will instruct my agent to receive nothing but gold and silver from my tenants." He debates the matter over with himself, and finally concludes to give his agent no instructions upon the subject. But gold and silver are the legal currency of the country, and the agent, of his own head and imagination, compels the tenants to pay in gold and silver. They complain that it would have been far easier for them to have paid in the notes of specie-paying banks. With what justice could the principal complain that he had been contemptuously treated by his agent, because he had not construed his not commanding him to demand gold and silver, as an instruction not to demand gold and silver? I confess, had I the honor to have been at the head of the Treasury Department, I should have reasoned in this way. Notwithstanding a proposal to give me special instructions upon this matter, Congress has thought it expedient to leave me to my own discretion, upon my official responsibility, and expects me to adopt such measures as this novel crisis of affairs may, from time to time, require. My situation is difficult and delicate, and it behooves me, with statesmanlike eye, to survey the scene; and, with manly and judicious firmness, to adopt such measures as are demanded by the exigency. Puerile fears, or irresolution, on my part, may endanger the whole national treasure. But we are told that the Executive has no right to consider the state of affairs; no right to take any measures with reference to the currency of the country, or the disposal of the public lands. That these are matters exclusively with Congress. Indeed, sir! and, pray, why have we any Executive at all? Why does not Congress just pass laws, and place their execution in the hands of agents of their own selection and appointment? Simply because our forefathers were too wise to adopt any such form of government. They knew that a perpetual legislative

body was the most tyrannical of all institutions, and that intervals in its sessions, as well as its existence, were essential to liberty. But they did not intend that, during those intervals, the vessel of state should float down the stream of events without a pilot. No, sir, they constituted a responsible Executive; responsible to the great sovereign power from whom, and by whom, he is called to the exercise of high, useful, and honorable functions. Where the Legislature prescribes for him particular rules, provided they be such as the constitution allows them to prescribe, he is bound to follow them with implicit obedience; but, where they have omitted to do so, the broad chart of the constitution is the only limit to a discretion which he is not only at liberty but is bound to exercise. He is criminally negligent if, within those limits, he fails to adopt such measures as the public exigencies may demand. He has not only a right, but is bound, to judge when such exigencies exist, and so to frame his measures as to pass them in safety. Whether he acts, or forbears to act, he has not only to encounter the strict ordeal of public opinion, but may be called upon to answer, on impeachment, for excess on the one hand, or laggard indifference on the other. And is the right of judging to be denied him, when such responsibility for events rests upon his shoulders? When not only the fame which has been his passport to high distinction is to be snatched from him by the decision of his cotemporaries, and himself tried and degraded upon a formal proceeding, but the page which hands his name down to posterity marked with the opprobrious words of tyrant, usurper, knave, fool, or coward?

Try him as a private agent to whom you have committed your affairs. A wide space intervenes—seas roll between you, or for some other reason he is not within reach of instruction. An important crisis takes place, and by a single step he may make your fortune. The crisis passes, and the step is not taken. You hear of this crisis, and, believing that you have trusted your affairs to a wise man, you do not doubt that all that was proper to have been done has been done. When next you meet your agent, you say to him, "Where are the golden ingots you have amassed for me? where the treasures of Ethiopia and the Indies?" "I have them not," replies your agent. "Why," you inquire, "did you not perform such and such an act?" "I did not," the agent doggedly replies; "you did not tell me to do it." Would you not seize him by the throat, and indignantly exclaim, "Stupid dolt! did I tell you not to do it?" Tell me not, then, that the most important public agent may doze in the palace provided for his accommodation, and move only when quickened into action by legislative impulse.

But this brings us to another point. Senators say that Congress has already prescribed the rule in this case, and declare that this order is in violation of it, and therefore illegal; and upon this point, methought, the other day, the highly distinguished Senator from Massachusetts "bit his thumb at us." I do not mean to say that that gentleman knew any thing of the character, or even the name, of the humble Senator from North Carolina, but he alluded to a class to which I have the honor to belong. I know that the Senator from Massachusetts wields a ponderous lance, and with the arm of a giant, and I should be loth to encounter its deadly thrust. But he has, as I think, assumed to himself ground on which a stripling might venture to assail him. As an eagle, "towering in his pride of place," may drop a feather from his plumage, destined at some future day to give force and direction to the arrow which wounds him, so did the Senator from Massachusetts, in one of those able effusions which contributed to place him on that enviable elevation he now occupies, furnish arguments, strong and irresistible, against the position he has now thought proper to assume. If the Treasury order is illegal, I would ask, in the first place, what need of further legislation? Does a law derive more efficacy from repetition? Or does its obligation depend upon the number of ponderous tomes it may fill? If gentlemen really believe there is a law now existing which overreaches the Treasury order, are they not sporting with us when they ask us to pass another? If the Executive is in fact regardless of a law passed in 1816, will he be more mindful of a law passed in 1837? But let us hear what law is violated, or, rather, alleged to be violated. The Senator from Massachusetts, in a speech delivered in 1816, informs us that by the statute all duties and taxes were required to be paid in the legal money of the United States or in Treasury notes. What was the legal money of the United States? At that time Congress had legalized no money except gold and silver, and United States Bank notes; and, of course, if only legal money was receivable, nothing but gold and silver, and Treasury notes, and United States Bank notes, were receivable; but the following joint resolution was then adopted:

The joint-resolution of 1816.

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States."

And this, it is said, compels the Secretary of the Treasury to receive in payment of public dues, at the option of the debtor, either gold or silver, or Treasury notes, or United States Bank notes, or notes of banks which are paid or payable on demand in legal money. Language, I suppose, Mr. President, is subject to various interpretations, according to the relationship which the speaker bears to the subject-matter. As, for instance, if a creditor, addressing his agent, should say to him, "You must collect for me either gold and silver, or Treasury notes, or United States Bank notes, or notes of specie-paying banks," could he understand him in any other sense than that he would be satisfied with either, leaving to his agent to collect in either fund, according to the dictate of convenience? If the creditor should intend to assume the singular attitude of speaking mainly in behalf of his debtor, ought not the agent to be distinctly apprized, in some way, that such was the fact, before he could be justly charged with disobedience of orders in not allowing the debtor to choose the fund in which he should pay? And would not every one be filled with astonishment, should a debtor be found unreasonable enough to insist to the agent, that, upon any instructions he might have received from his principal, he, the debtor, acquired a right of action against him for declining to obey those instructions? But the Senator from Massachusetts will not, I am persuaded, differ with me upon this principle of law: that in construing statutes, reference may be had to the old law, the mischief, and the remedy. What does the history of the times inform us was the old law, and the mischief, at the adoption of

the resolution of 1816? The Senator from Massachusetts, in the speech above referred to, informs us that "all duties and taxes were required to be paid in the legal money of the United States, or in Treasury notes." This was the old law. The mischief, we learn from the same authority, was, "that the notes of banks of a hundred different descriptions, and almost as many different values, had been received, and were still received." What, then, was the remedy intended by Congress? To give the Secretary a wider latitude in favor of the debtor, or to correct the mischief, and instruct him entirely with reference to the production of a more healthy state of the Treasury? Most obviously the latter; and I doubt not that fifteen years ago it would have been esteemed, by gentlemen of all parties, the most wild chimera imaginable, in any public debtor to have set up the pretence of selecting the fund in which he would pay off his responsibility. And yet it is urged, by way of authority upon this point, that the President of the United States has so construed the resolution of 1816, as is evinced by his advising Congress to remove the obligation upon the Treasury to receive United States Bank notes in payment of public dues. But this, I think, does not at all contribute to the proof of the proposition contended for, as it is evident that the obligation alluded to by the President is that contained in the charter of the United States Bank, and not to any command, either express or implied, in the joint resolution of 1816. There is nothing on the score of authority, but, on the contrary, I believe I am warranted in saying that the weight of authority is the other way; as in effect the operations of the United States Bank, while the fiscal agent of the country, amounted to the actual collection of specie from Government debtors, so that the charge of illegality on this ground is not sustained either by argument or authority. And, indeed, I think it is in effect abandoned by the admission that the Secretary of the Treasury might refuse to receive in Maine notes payable in Georgia, and *vice versa;* or, in other words, that he is at liberty to judge whether the fund offered is worth so much gold and silver at the place offered, although it may be at par, or even above par, at some other place. But another case may be put, for which the resolution would have provided, if it had been intended, in all cases, to deprive the Secretary of the Treasury of any discretion. A bank whose notes have been regularly redeemed with specie exists in the place where the money is to be paid to the public receiver, and those notes are valued at par in the market. The public receiver has, however, certain information that the bank is in critical circumstances, and will unquestionably blow up in a few hours. What is he to do? According to the construction of the resolution of 1816 contended for, he is not at liberty to refuse the money, because this is doubtless a specie-paying bank, and may possibly continue to be so; but the receiver has no right to exercise any judgment upon that question, and must, in the mean time, receive a sum of money, however large, with the strongest conviction upon his own mind that he is receiving worthless rags, which will prove a total loss to the Government. But the Treasury order is further said to be illegal, because it discriminates between actual settlers and others, and indeed it is said to be, in this respect, in violation of the constitution itself. The clause in the eye of the objector is the first of the 2d section of the 4th article of the constitution, declaring "that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." The acts of nearly if not quite every State in the Union have given construction to this clause of the constitution, by which it seems to have been understood as contemplating nothing more than the defence of the citizens of one State from the disabilities of alienage in another. The pre-emption rights recognised in nearly all the land legislation of Congress is a farther precedent and sanction of the principle. But, so far as the present debate is concerned, it is sufficient to say that this discrimination in the Treasury order no longer exists. It has fulfilled the term of duration originally allotted to it, and no longer forms a feature in this executive measure.

But some have further urged the illegality of the Treasury order, upon the ground that its operation is not extended to the customs of the country. This argument would be a very sound one in the mouth of him who was contending for a further extension of the Treasury order, so as to embrace the customs, but is certainly not at all calculated to impugn the propriety of requiring the public lands to be paid for in the legal currency. It is to be remembered that this order operates mainly, if not altogether, on sales made after its passage, and surely there cannot be the slightest wrong, injustice, or illegality, in demanding different kinds of payment for debts of a character altogether different. Still less can there be any thing unlawful in one having property to sell saying to purchasers, "if you buy this article, it will suit me to receive payment in current notes; but if you buy this other article, you must pay for it in gold and silver." This brings somewhat under consideration the land law of 1820, which, if an express justification was required for the Treasury order, furnishes it, and sweeps away at once every pretext for charging it with a want of legality. By it the public land is required to be paid for in cash; and as some difficulty has been raised upon the signification of this word, in order to its solution, at least to my own satisfaction, I have had recourse to the dictionary lying on your desk. I there find that cash is ready money; and upon turning to the word *money*, I find it signifies metals coined for the purposes of commerce; so that in fact, under that law, all the public lands, without the Treasury order, can now only be paid for in ready money, to wit: metal coined for the purposes of commerce, in Treasury notes, or land scrip. So much for the legality.

But the policy of this Treasury order is also assailed; and upon this point I must admit that, having been hurried into this debate somewhat sooner than I had intended, I am unable to do any thing like justice either to myself or the subject. I am under great obligations to gentlemen on both sides for the light they have cast upon it, and am not less indebted to the lightning corruscations of those opposed to the order, than to the calm irradiation which has shone from this quarter. In 1816 the able Senator from Massachusetts was pleased to say:

"There are some political evils which are seen as soon as they are dangerous, and which alarm at once as well the people as the Government. Wars and invasions, therefore, are not always the most certain destroyers of national prosperity. They come in no questionable shape. They announce their own approach, and the general safety is preserved by the general alarm. Not so with the evils of a debased coin, a depreciated paper currency, or a depressed and falling public credit. Not so with the plausible and insidious mischiefs of a paper-money system. These insinuate themselves in the shape of facilities, accommodation, and relief. They hold out the most fallacious hope of an easier payment of debts, and a lighter burden of taxation. It is easy for a portion of the people to imagine that Government may properly continue to receive depreciated paper, because they have received it, and because it is more convenient to obtain it than to obtain other paper, or specie. But on these subjects it is that Government ought to exercise its own peculiar wisdom and caution. It is supposed to possess, on subjects of this nature, somewhat more of foresight than has fallen to the lot of individuals. It is bound to foresee the evil before every man feels it,

and to take all necessary measures to guard against it, although they may be measures attended with some difficulty, and not without some temporary inconvenience. * * * * The only power which the Government possesses of restraining the issues of the State banks is to refuse their notes in the receipts of the Treasury. This power it can exercise now, or at least can provide now for exercising it in reasonable time, because the currency of some part of the country is yet sound, and the evil is not yet universal. * * * But I have expressed my belief on more than one occasion, and I now repeat the opinion, that it is the duty of the Secretary of the Treasury, on the return of peace, to have returned to the legal and proper mode of collecting the revenue. * * * * It can hardly be doubted that the influence of the Treasury could have effected all this. If not, it could have withdrawn the deposites, and the countenance of Government, from institutions which, against all rule and all propriety, were holding great sums in Government stocks, and making enormous profits from the circulation of their own dishonored paper. That which was most wanted was the designation of a time for the corresponding operation of banks of different places. This could have been made by the head of the Treasury better than by any body, or every body else. * * This Government has a right, in all cases, to protect its own revenues, and to guard them against defalcation or bad and depreciated paper."

This speech is, in my opinion, ample authority for nearly all that I have asserted, or wish to assert, on the present occasion. It expressly declares the insidious and dangerous nature of the paper system. It asserts both the power and the right of the Government to regulate the currency to a great extent, by the refusal at the Treasury of paper money. It enforces the duty of the Government to foresee evils, and take all necessary measures to guard against them, before every man feels them, although such measures may be attended with some difficulty, and not without some temporary inconvenience. It also alleges that Government is supposed to have, on subjects of this nature, somewhat more of foresight than has fallen to the lot of individuals. Thus supported, I do not think I can be very far wrong in having made similar assertions and declarations. But the framers of our excellent constitution affixed their signet to what seems almost a dictate of nature herself, that the precious metals provided by her for that purpose are the most proper media for commercial exchanges. They expressly prohibited the States from making any thing but gold and silver a legal tender in the payment of debts, and the States themselves from issuing bills of credit. In relation to the circulation of the country, it is altogether impossible for the General Government to occupy a neutral stand. She must contribute to the width and depth of this ocean of paper money, as the Senator from Massachusetts has so properly termed it, or by her action dry up the streams continually pouring into it. Gentlemen on the other side agree to this, and tell us that the United States Bank is the only instrument she can successfully use to prevent its overspreading the whole *terra firma* of the nation. The President of the United States has said that it may be accomplished through the fiscal operations of the Treasury, without the aid of a national bank; and this Treasury order is one of the links in the chain of operations proposed; and now, before time is afforded to test its efficacy, ere six short months have rolled away, we are called upon to arrest its action. But gentlemen say its baneful effects have been already found too serious to be longer endured, under the hope of future advantages; that it has already brought distress and ruin upon the country. How has it brought distress and ruin upon the country? By destroying public confidence, is one response. And would not any thing else which those who control the mammoth bank at Philadelphia and their partisans choose to pronounce a dangerous experiment destroy public confidence? I am certain, Mr. President, we shall never see confidence stable in the money market of this country till that institution has ceased to struggle for an existence authorized by the Congress of the United States. But gentlemen say it produces such a drain for specie, that bank discounts are necessarily curtailed. This is precisely one of the effects desired, and it is doubtless to the real interest of the country that it should continue to produce such effects. But that it ought, in the nature of things, to have produced such effects in a very moderate degree is, I think, apparent from the very small quantity of specie (not exceeding $1,800,000, I understand,) which has in fact been transported westwardly. Other causes, much more adequate to produce this effect, have been at work; other abstractions of specie, in much larger quantities, have taken place; and forty millions of money thrown from its former channels of regular trade, and held in a state of readiness to meet the provisions of the deposite act, seem to me far better reasons than the Treasury order for the pressure complained of. What do gentlemen say to the pressure in England? Is that caused by the Treasury order? And has there ever been a pressure in England which has not borne heavily on the mercantile classes in this country? The Senator from New Jersey seems to think that in proportion to the increase of the number of the deposite banks, a correspondent increase of discounts should have taken place. Why so, sir? Is the actual amount of the public revenue increased by the number of banks among which it may be distributed? And is not the amount of this fund the basis of the discounts made upon it? But to sum up the whole upon this point, let it be conceded, for the sake of the argument, that all the alleged inconveniences to the currency really exist; are they any thing more than the dust of the balance to the evils which must have flowed from an unlimited encouragement to bank issues, necessarily following the indiscriminate receipt of bank paper nominally redeemable in specie? Any gentleman who will cast an unprejudiced eye over the relative condition of the deposite banks at the adoption of the Treasury order and the present time, will, I think, perceive that there is great reason to believe it has been the means of saving the whole paper system from shipwreck, and consequently the whole country, which has unfortunately become so intimately connected with it. He will find that either the specie has been increased or the circulation diminished in every instance, and in many both these contributions to strength have taken place. This is the foreseeing the evil before every man feels it, and taking the necessary measures to guard against it, although they may be measures attended with some difficulty, and not without some temporary inconvenience, which the Senator from Massachusetts has pronounced to be the duty of a Government.

But gentlemen further allege that the Treasury order is oppressive to the purchasers of public lands. One of the avowed objects of the Treasury order is checking the speculations in the public lands. That such is its natural effect, seems to be conceded on all sides; but that end, it is said, is defeated by evasion, and the burden falls chiefly on the bonafide purchaser. That the land speculators are by no means to be encouraged, and that the practice is a serious evil in our country, no one seems to deny; but the argument seems to be that, because it cannot be effectually prevented, no effort is to be made to impose on it a check. Is this sound reasoning? Does it become Congress to thwart the Executive in its attempts to diminish this evil? Ought it not, rather, by co-operation, endeavor to lessen the opportunities for the alleged evasions?

Allow me, in conclusion, to suggest remedies for the evils complained of under the Treasury order, (supposing them to exist in all the magnitude contended for on the other side;) remedies which, in my humble judgment, Congress is bound to apply upon other considerations than their mere effect upon the currency of the country. The remedies to which I allude are confining the sales of the public lands to actual settlers, and reducing the revenue by customs to the actual wants of the Government. The public lands constitute for us, in a triple sense, a vast fund of national wealth. They present, in the first place, a wide field in which our multiplying population is to find space to spread itself out; and the very wideness of this field, according to the observations of philosophers and political economists, increases the ratio in which this population will multiply. Our strength as a nation is therefore daily increasing through their instrumentality, our human *materiel* (so to speak) for fleets and armies becoming more abundant, and productive labor more vast in its amount. In the second place, their products will furnish sustenance to all this multiplying national power, and leave an excess to be exchanged for the valuable products of other climes and soils. Lastly, their fee simple interest is convertible into money, whenever required to supply the demands which may from time to time arise upon our Treasury. These three useful and important objects can only be duly accomplished by confining the sales of the land to the wants of actual settlers. It is true, by throwing them into the market alike for the actual settler and the speculator, there will be a larger immediate influx of money into the Treasury. But does good policy call for such an influx? Is not your national Treasury, so far from requiring such an influx, diseased with plethora? And have not gentlemen, to relieve it, urged on by the necessity of the case, either real or supposed, voted at the last session of Congress for a law, acknowledged by all to be dangerous in precedent, inexpedient as a general principle, and approaching, if not surpassing, the very confines of the constitution? The fear of national corruption, the ruin of so many prosperous States, a ruin which prosperous States have most reason to dread, has sanctified in the eyes of many a sterling patriot that measure called the deposite law, upon which he would have otherwise looked with horror and dismay. But in your public lands you may hold an uncounted treasure, without the apprehension of any such consequence. Your forest-covered wilds, still in the possession of the deer and the buffalo, would lie secure until your necessities called for their use, and, unlike your gold and silver, no eye would be fascinated by their glitter, no ear seduced by their musical ring. But when war or any other great national exigency calls for an extraordinary supply of treasure, here is a fund convertible by sale into cash, or the substantial security for a loan; they would be sufficient to repay, without resorting to taxation—a measure always odious to a free people. Your deposites with the States, if otherwise unobjectionable, will never answer a similar purpose. The very seasons when the General Government shall find herself most straitened, the States themselves will be laboring under a like pressure. Already you find many of them disposed to treat the deposite as a gift; and what will they say when, in the unseasonable moment of national calamity, it is demanded of them as a debt? Will you not find them, like the States under the old confederacy, refusing or neglecting the contribution of their quotas? This will unquestionably be the case with many; while others, having honorably complied with their engagements, being more fortunate or more willing than the rest, will begin to murmur if their sister States are not compelled to do likewise; and thus will these deposites become the subjects of dangerous discord at those very seasons when union will be most necessary to our safety, and when, but for some such adverse incident, it would be most certain to exist. Your public lands, as your preserved treasure, have this additional advantage, that they are daily increasing in value; when you sell one portion, what remains is worth nearly as much as the whole before that portion was taken off. The expectation of such increase is doubtless the inducement with the speculator to stretch forth his hand with monopolizing sweep over all that you offer for sale. Not so with your deposite with the States. It is a *caput Anortuum*, without any possibility of increase, and for the principal of which there is but faint hope of return, while the very proposal to reclaim it may rend your Union asunder. But justice and good faith require that your public lands should be so husbanded. They were either the voluntary donations of the old States, avowedly for the first and the last objects in which I have spoken of them as a fund of national wealth, to wit: as a field for population, and a common stock, out of which the debts of the nation should be paid; or they have been acquired by the united blood and treasure of the whole nation, and ought, therefore, to be used for the general good. But if they are to be brought into market now, in unmeasured quantities, while the nation is oppressed with money, we shall be acting like the young profligate who disposes of his paternal domain, that he may profusely scatter the product to the winds, or that he may tempt the cupidity of sharpers. Pursuing this policy, we shall in the end find ourselves in the situation of King Lear, who, having divided his all among his children, and becoming dependent upon their benevolence, was left to perish in the helplessness of senility; or spurred on by our actual necessities, which will then have no other source of supply, like the fabled progenitor of the gods, the General Government will become the devourer of her own children, and the most glorious and extensive family circle this earth has ever witnessed be broken and destroyed. I trust, however, that we shall be saved from the destinies both of Lear and of Saturn; and that, confining ourselves in the sales of public lands to the actual wants of settlers, the payment for them in specie will either cease to be felt as a grievance, or become unnecessary for the security of the revenue; and a reduction of the tariff being connected with this measure, we shall be relieved from all the evils of an overflowing Treasury.

I have thus glanced at the various considerations presenting themselves to my mind on this exciting and important question. Some of them apply as well to the substitute as to the original resolutions, though with mitigated force. I have offered them to the Senate with great diffidence, conscious that I am in my mere noviciate in matters of national legislation. In conclusion, I would add, that those who have attempted to show the evils produced by the Treasury order have fallen very far short of proving the existence of those evils, or, at least, of connecting them with it as their cause; and some of them have, as I think, almost abandoned the position as untenable. They cannot, therefore, with any propriety, ask its rescision upon the mere supposition that evils exist, and that the Treasury order is the cause. I have listened attentively to this discussion, with a sincere desire for instruction, and the result has been to rivet my approbation of the executive course; and while I shall vote for the amendment, as less obnoxious, I could with equal satisfaction have recorded my direct negative upon the original resolutions.

When Mr. STRANGE had concluded,

Mr. WEBSTER said: I will take this occasion, as probably no more fit one may occur, to say a few words in consequence of the reference which has so frequently been made, during the course of this debate, to the in-

troduction by myself of the joint resolution of 1816 into the other House of Congress, and to my observations then made on that measure. I said nothing on that occasion without deliberation; nothing which I do not now embrace as sound policy; nothing which, as I suppose, is in the least degree inconsistent with the principles which I at this time maintain; and I repel, as wholly unfounded, any intimation that any thing like incongruity or inconsistency is to be found in the sentiments and opinions delivered by me on the two occasions. No such inconsistency, indeed, has been, so far as I know, directly charged; but the repeated quotation of my former remarks might lead to the inference that such inconsistency was intended to be intimated. The resolution of 1816 was accompanied, as originally introduced by me, with an introductory resolution, in the form of a preamble, setting forth the reasons on which the proposed measure was founded. The operations of the Treasury had at that time become greatly deranged by the war. The duties at the custom-houses were received, in many places, in the paper of non-specie-paying banks; and, as there was a great variety and difference in the value of the notes of those banks, there was, of consequence, a real difference in the amount of duties paid in different ports. In some cities the discount upon those notes, to bring them to the value of legal coin, was five per cent. on their nominal value; in other places ten per cent., and in some, indeed, as high as twenty per cent. That was the fact in this city. In the years 1814 and 1815, bills on Boston could often not be had here under a premium of twenty per cent.; since all the paper of the Boston banks was equal to specie, and the paper here depreciated to the extent stated. This was all in the course of things, as some banks had suspended specie payments and others had not; and as the duties at the custom-house were received in the paper chiefly of the local banks, the result was, in effect, a different rate of duties in different places, in plain violation of the constitution and of all justice. And this difference was great enough to turn the whole commerce of the country from the Northern to the Southern States.

It was under these circumstances, and at this time, that the resolution of 1816 was introduced by me, with a sort of preamble, alleging the impropriety, inequality, and illegality, of this state of things; and what was its object? Simply to bring back the administration of the finances to the rule of law. The law was plain. There was no authority, not a particle, for receiving those bank notes. There was, in truth, no discretion vested in the Secretary of the Treasury as to what should be received in payment for duties. All this was settled by plain statute provisions. The difficulty arose from no deficiency of enactments by Congress. The law made it the duty of the Secretary to receive, in payments to the United States, the gold and silver coins of the United States, certain foreign coins, and Treasury notes, and notes of the Bank of the United States then lately incorporated; and nothing else. But we had just emerged from the war. The banks had suspended specie payments in consequence of that war; and the Treasury was said to have acted under an unavoidable necessity, a sort of *vis major*, which could not be resisted. This was the sole ground on which its conduct was justified or excused. In the House of Representatives, the introductory resolution or preamble was, however, stricken out, with my consent, which I readily gave, as it was supposed to imply a reproach on the Secretary of the Treasury; and I had not the least intention of casting any thing like reproach upon that officer, for a practice growing out of the absolute necessity of the case, as he and others supposed. All, however, agreed that the mode of paying duties, then in practice, was not according to law. The object of the resolution, as I have already said, was to bring the practice back to that standard; and on introducing the resolution, I had no other or further view. By recurrence to the resolution, as originally introduced, it will be seen that it did not contemplate any enlargement of the means of payment. It did not embrace the notes of State banks at all. It confined all payments to coin, Treasury notes, and notes of the Bank of the United States. But this was esteemed too strict and severe; the House of Representatives felt a disposition to legalize the receipt of the notes of specie-paying State banks; and to meet this feeling, the resolution was amended and enlarged, so as to embrace the notes of specie-paying banks. The resolution, as thus amended, embraced two objects, both clear and distinct: first, to compel the Treasury to confine its receipts to such sorts of money as were authorized and sanctioned by law; second, to increase the number of those sorts, or to enlarge the legal means of payment, by making it lawful to receive the notes of specie-paying banks, payable and paid on demand. Both these objects were accomplished by the resolution, which, as amended, passed both Houses, and became the law of the land.

Now, sir, the question is not whether such a legalizing of bank notes was safe or dangerous, wise or unwise. Congress saw fit, in fact, to sanction their reception, and that is enough. From that moment it became the legal right of every debtor, and every purchaser of land, to pay in those notes. And, sir, all I said then, I say now, viz: that it is a subject to be provided for, and which always has been provided for, by law; that it has been, is, and ought to be, above the reach of executive discretion; that, by the law, as it stood before 1816, notes of State banks were not receivable; that, by the law of 1816, they were made receivable, and put on the same ground with coins, notes of the Bank of the United States, and Treasury notes. And what is the ground I now stand on? Simply this: that this is a matter of law, and not of discretion; that the Secretary has no more right, now, to strike any thing out of the law that is in it, than he had, before 1816, to put any thing into the law which was not in it. That was my doctrine then; that is my doctrine now. Where is any inconsistency? At that time the Secretary was receiving bank notes contrary to law; now he is refusing bank notes contrary to law. I was for correcting the illegal proceeding then, and I am for correcting the illegal proceeding now. I take back nothing of what I then said—not a syllable. I believe now as I did then; and, indeed, I believe more firmly, as a man is not likely, as he advances in years and observation, to grow less anxious on the subject of a stable and uniform currency, or less resolute to fix it on a permanent basis of law. I felt then the necessity of maintaining a legal currency in payment of the dues of the Government; I feel the same necessity now. At that time, something was admitted in payment which was not in the statute; at this time, something is refused which is in the statute. In both cases the law has been departed from; and in both cases I was, and am, for re-establishing its authority.

Mr. RIVES having obtained the floor,

On motion of Mr. GRUNDY, the Senate spent some time in executive business, and then adjourned.

TUESDAY, JANUARY 10.

The following message was received from the President of the United States, by Mr. ANDREW JACKSON, Jr., his secretary:

To the Senate of the United States:

Immediately after the passage by the Senate, at a former session, of the resolution requesting the President to consider the expediency of opening negotiations with the

Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by equitable treaty stipulations with them, such individuals or companies as might undertake to open a communication between the Atlantic and Pacific oceans, by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as ought to be established to compensate the capitalists who might engage in such undertaking, and complete the work, an agent was employed to obtain information in respect to the situation and character of the country through which the line of communication, if established, would necessarily pass, and the state of the projects which were understood to be contemplated for opening such communication by a canal or a railroad. The agent returned to the United States in September last, and although the information collected by him is not as full as could have been desired, yet it is sufficient to show that the probability of an early execution of any of the projects which have been set on foot for the construction of the communication alluded to is not so great as to render it expedient to open a negotiation at present with any foreign Government upon the subject.

ANDREW JACKSON.

WASHINGTON, *January* 9, 1837.

TREASURY CIRCULAR.

The Senate proceeded to the further consideration of the joint resolution to rescind the Treasury order of July, 1836, &c., together with the substitute offered therefor by Mr. RIVES, in the following words:

"*Resolved*, That hereafter all sums of money accruing or becoming payable to the United States, whether from customs, public lands, taxes, debts, or otherwise, shall be collected and paid only in the legal currency of the United States, or in the notes of banks which are payable and paid on demand in the said legal currency, under the following restrictions and conditions in regard to such notes: that is, from and after the passage of this resolution, the notes of no bank which shall issue bills or notes of a less denomination than five dollars shall be received in payment of the public dues; from and after the first day of July, 1839, the notes of no bank which shall issue bills or notes of a less denomination than ten dollars shall be receivable; and from and after the first of July, 1841, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars: *Provided, however*, That no notes shall be taken in payment by the collectors or receivers, which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash."

The question being on the adoption of his substitute,

Mr. RIVES said that, in asking the indulgence of the Senate, it was not his design to abuse their patience by rearguing the questions which had already been so fully and so ably discussed, in relation to the legality or the policy of the Treasury circular. It was his wish only to state, somewhat more at large than he had yet had an opportunity of doing, the views under the influence of which he had offered the proposition which is now pending before the Senate, as an amendment to the resolution of the Senator from Ohio, [Mr. EWING.] In reference to the most important objects of the Treasury circular, he regarded that measure as having done its office; and the interests of the country are now much more concerned in the provision we shall make for the future, than in any decision we may pronounce upon the past. When I had the honor some days ago, said Mr. R, of addressing a few remarks to the Senate on this subject, I said what I take great pleasure now in repeating, that, in whatever different lights the operation of the Treasury circular may have been viewed, of one thing I was thoroughly persuaded—that the motives which had induced the high functionary at the head of the Government to direct the issuing of it were in perfect consonance with that elevated and patriotic spirit which had so conspicuously marked the whole course of his public life; and that no defect of legality, in my estimation, had been shown in the authority under which it was issued. I added, also, that the measure was properly to be viewed as a temporary one, to continue in operation until the action of Congress on the whole subject could be obtained; and that the President himself, as shown by the evidence of his message at the commencement of the session, attached no importance to its adoption as a permanent rule of policy.

One of the leading objects of the Treasury circular, at the time it was issued, was to check that tendency to extravagant bank issues and bank credits which has so signally marked the history of the last twelve or eighteen months. But, so far as that object is concerned, the same effect will now be produced in a manner not less certain, though by a process more gradual, and therefore easier and safer to the community, by the operation of the deposite act. No one can doubt, Mr. President, that one of the chief causes of the recent over-action of the banking system in this country is to be found in the immense sums of public moneys left in the deposite banks, and which have been used and traded upon by them, as an addition of so much to their banking capitals. This is a state of things which has been eminently pernicious in all its bearings. The correction of so great an evil formed in my mind one of the strongest considerations for giving the cordial support I did to the deposite act of the last session; a measure which, however much misconceived or misrepresented in regard to its true character, has, in my opinion, conferred upon the country a double benefaction of the highest value: first, in putting out of the way of the Government the temptation, whose powerful influence we were already beginning to feel, to useless, extravagant, and anti-republican expenditure; and, secondly, in taking from the deposite banks that gratuitous and artificial increment of their capitals, which has been a main cause of the unnatural distention of our paper currency, and of that inordinate spirit of speculation which has prevailed through the country. In gradually withdrawing, as we now are doing by the act of the last session, these large amounts of the public treasure from the possession of the deposite banks, and in avoiding, as, I trust, by a wise and provident legislation, we shall do, the accumulation of any idle surplus in future, the Government will take away the stimulus which itself has given to the excessive issues and credits of the banks; and we may then hope that, under the salutary control of the laws of trade, they will return within those safe, proper, and natural limits which the business of the community requires.

While on this branch of the subject, Mr. President, I will make one other observation. However necessary or desirable the contraction of our paper circulation may be, (if it be, indeed, in the large excess which is supposed by many,) it must be borne in mind that there is no operation more delicate than the reduction of the currency of a country. A decreasing circulating medium, it is agreed alike by theoretical writers and by enlightened practical men, is precisely that condition in the moneyed affairs of a community which is the most critical and distressing. It is a transition from high to low prices, from a certain and liberal reward of labor to diminished wages and precarious employment, from active and prospering industry to general languor and de-

pression in all the operations of business. It is a change to which society always adjusts itself slowly and painfully; and, under the most favorable circumstances, must be attended with distress—often with extensive ruin. Great caution, therefore, is necessary, lest it be unduly precipitated in its progress, or harshly aggravated in its effects. We have, in the history of our own country, at a period not too remote for the recollection of most of us, a memorable example of the distressing effects of a rapid reduction of the circulating medium. It is strikingly exhibited, in all its details, in the able report of Mr. Crawford, then Secretary of the Treasury, on the currency, in 1820. It is there shown that the circulation of the country, in the three years from 1816 to 1819, had been brought down from 110 millions in the former, to 45 millions in the latter; making the enormous reduction of 65 millions within that short period! The scene of wide-spread ruin and distress which ensued is fresh in the memories of all who witnessed it. It inculcates, at least, the necessity of caution in the action of the Government on this subject. It is our duty to withdraw from the banking operations of the country that artificial stimulant which the Government itself has administered; but that being done, a just policy, in general, requires that the concerns of trade should be left to regulate themselves by their own natural and remedial laws.

Regarding, then, the Treasury circular as having mainly done its office, we are now called upon to establish some permanent and equal rule for the collection of the public revenues. It is a duty which we cannot evade if we would. In the joint power which the constitution invests in Congress, to "lay and collect" taxes, our duty is read to us in terms too significant to be mistaken. It is as much a part of the legislative authority to say in what manner and by what rule the collection of the public revenue shall be effected, as to say to what amount and from sources it shall be raised. Important as such a regulation is at all times, it derives, at the present moment, a particular interest from its close connexion with the subject of the currency. It is in that connexion that all who have participated in this debate have discussed the question before the Senate; and it is doubtless in that connexion that the public attention is turned with most anxiety to our decision upon it. I feel, Mr. President, all the magnitude and all the difficulty of this great question of the currency. There is none that rises higher in importance, or descends more deeply into the interests of society. It "comes home to the business and the bosoms of men." It affects alike the humblest laborer and the wealthiest capitalist; on it depend the security of property, the stability of contracts, the comfort and support of families, and, I will add, in a great degree, the public morals; for nothing, in my opinion, is more calculated to unsettle the moral sense and habits of a community than the dispositions and pursuits fostered by the lottery of a fluctuating currency. In approaching such a subject, I feel all the diffidence which a just sense of its difficulty and importance properly inspires. But, having submitted to the Senate a proposition which, if adopted, would, I flatter myself, exert no small influence on this great interest; and as the friends of the administration (myself among the number) have been accused of entertaining visionary, impracticable, and pernicious notions in regard to a reform of the currency, I must beg the indulgence of the Senate while I state, with as much precision as I may, the views of that reform which I entertain, and which have determined the shape of the proposition now under their consideration.

In discussing the question of a reform of the currency, it is necessary to settle our ideas clearly as to two things: first, the nature and extent of the end to be aimed at; secondly, the means by which it is to be attained. If I am asked, what is the end I propose, whether I am in favor of a specie circulation exclusively, and the total suppression of bank paper, I answer, No. Even if such an object were desirable, it is plainly impracticable. In the present state of commercial progress and refinement throughout the world, it would probably be impracticable any where; but in this country, and under our system of government especially, it is obviously wholly unattainable. Whether right or wrong, we find twenty-six independent State Legislatures possessed of the power to create banking corporations. Whatever speculative doubts may exist in the minds of some as to the constitutional validity of this power, the States now actually possess and exercise it, as they have invariably done from the foundation of the Government, and there is not the slightest probability that they will ever be divested of it. In every sober and practical scheme of policy, we must proceed upon the assumption that this independent State power will remain. How, then, can the banking system be suppressed by this Government? Such a notion, if entertained any where, would indeed be Utopian and visionary.

My object, then, would be, not the destruction of the banking system and the total suppression of bank paper, but an efficient regulation of it, and its restriction to safe and proper limits; not the exclusive use of specie as a circulating medium, but such a substantial enlargement and general diffusion of it in actual circulation, as would make it the practical currency of common life, the universal medium of ordinary transactions; in short, the money of the farmer, the mechanic, the laborer, and the tradesman; while the merchant should be left in the enjoyment of the facilities of a sound and restricted paper currency for his larger operations. Such a reformation in the currency as this would, in my opinion, be productive of the most beneficial results. It would give security to the industrious classes of society for the products of their labor, against the casualties incident to the paper system. The laborer, in returning to the bosom of his family from his weekly toil, would no longer find his slumbers broken by the apprehension that the hard earnings of the week, perhaps the accumulation of long years of honest industry, might be dissipated in a moment by the explosion of a bank, or the bursting of some paper bubble. It would give security, to a great extent, to the whole body of the community, against those disastrous fluctuations in the value of property and contracts, which arise from the ebbs and flows of an unrestricted paper currency. It would give security to the banks themselves, by providing them, in the daily internal circulation of the country, an abundant and accessible fund for recruiting their resources, whenever they should be exposed to an extraordinary pressure.

This, sir, is the happy state of things we might promise ourselves from replacing (as it is the aim of the proposition which I have had the honor to submit to do) all bank bills, under the denomination of twenty dollars, with a solid circulation of gold and silver. Is there any thing wild, any thing visionary, any thing pernicious, in such a system of currency as this? It has the sanction, Mr. President, of the profoundest writers on questions of political economy, and has received the practical assent of the wisest nations. I am well aware that it would ill become me to present for the consideration of the Senate any scheme which was not thus tested and approved. Of all the writers who have treated and examined questions of this character, none possess so high an authority as the author of the "Wealth of Nations." It has been well and justly said that Adam Smith had done for the science of political economy what Bacon and Newton had done for physical science, and Sydney and Locke for the science of government and the fundamental principles of civil and political liberty. His work,

appearing contemporaneously with the American Revolution, was deeply imbued with the free spirit and the large and vigorous thought which so remarkably distinguished that great era. He came forth as the zealous and powerful champion of free trade, the inflexible opponent of monopoly and restriction, in all their multiplied forms, the ardent advocate of every thing that is liberal, generous, and popular, in the institutions of society and the intercourse of nations. No work has ever exercised so large an influence for good on the policy and destiny of nations; and none, I am sure, considering the stamp of liberty as well as wisdom impressed upon it, is better entitled to the respect of an assembly of American legislators. Adam Smith, by a strange mistake, has been held up, rather opprobriously, as the advocate of a paper system—as the founder, in fact, of the paper school! Sir, there can be no greater mistake than this. While he recognised the utility of a judicious system of banking, in liberating and putting into productive employment capital which would otherwise remain dead and inactive, and the facilities it is calculated to afford to commerce, he yet insists that the general circulation of the country should be gold and silver.

As the general principles he has laid down on the subjects of banking and currency continue still to be appealed to by the enlightened writers who have followed him, as affording the soundest exposition of those subjects, whatever modifications of subordinate points may have been made by subsequent inquirers, I will give to the Senate, and principally in the words of Adam Smith himself, an outline of his system of currency. After speaking of the advantages to be expected from a judicious and properly conducted system of banking, he says expressly that "the commerce and industry of a country are not so secure when suspended, as it were, on the Dædalian wings of paper money, as when they travel about on the solid ground of gold and silver." He says, therefore, it is the policy of wise Governments "to guard, not only against that excessive multiplication of paper money which ruins the very banks which issue it, but even against that multiplication of it which enables them to fill the greater part of the circulation of the country with it." He then proceeds to show that "the circulation of every country may be considered as divided into two different branches: the circulation of the dealers with one another, and the circulation between the dealers and consumers." His next position is, "that paper money may be so regulated as either to confine itself very much to the circulation between the different dealers, or to extend itself likewise to a great part of that between the dealers and consumers." The regulation is effected by fixing the denomination of the notes permitted to be issued. "It were better," he adds, "that no bank notes were issued in any part of the kingdom for a smaller sum than five pounds. Paper money would then confine itself to the circulation between the different dealers;" and where this is the case, he says, "there is always plenty of gold and silver." "But where it extends itself to a considerable part of the circulation between dealers and consumers, it banishes gold and silver almost entirely from the country." The system of Adam Smith, then, resolves itself into this: that the circulation between dealer and dealer may be of paper, but that the circulation between dealer and consumer should be of the precious metals; that this result ought to be secured by prohibiting the issue of bank notes for a less sum than five pounds, and that, if such a restriction be adopted, there "will always be plenty of gold and silver" in circulation, performing all the offices of exchange in the "ordinary transactions" of society, while the use of paper would be confined to commercial operations of a larger scale. Instead of being the advocate, far less the founder, of an unrestricted paper system, he urges the necessity of confining it to commercial accommodation in the larger transactions between dealer and dealer. He is in favor of the suppression of all bank notes under five pounds; whereby gold and silver will fill the ordinary channels of circulation, and become, in fact, the common practical currency of the country.

But this system does not rest on the authority of Adam Smith alone. Not to mention the illustrious names or the policy of other enlightened nations in support of it, it has received the successive sanction of a long line of the ablest practical statesmen in England. It is a remarkable fact, that the great work of Adam Smith having appeared in 1776, the Parliament of Great Britain, in the very next year, passed a law prohibiting all bankers from issuing notes under the denomination of five pounds. This continued to be the legislative policy of that country till the memorable year of 1797, when, in consequence of the exigencies and embarrassments of that tremendous conflict, growing out of the French revolution, which desolated and convulsed Europe for more than twenty years, the Bank of England, with the sanction of the Government, suspended specie payments; and, at the same time, resorted to an issue of one-pound and two-pound notes. As soon, however, as the war was at an end, and the country was in a situation to admit of the resumption of specie payments by the bank, the enlightened statesmen of England recurred to the prohibition of all notes under the denomination of five pounds. This return to a sound policy, however, was not accomplished, nor has it been maintained, without encountering a strenuous and persevering opposition.

There is something so instructive in the history of this reform of the currency in England, that it deserves to be traced somewhat more in detail. In 1819, a law was passed directing a complete resumption of specie payments by the bank in three years, to wit, in 1822; and at the same time it was enacted that in two years after, to wit, in 1824, all small notes under the denomination of five pounds should be prohibited. The first provision was carried fully into effect at the designated period; but, such was the influence of the country bankers, and other associated interests, that, before the appointed time for the suppression of the small notes arrived, the latter provision was repealed, and the final suppression of the small notes was adjourned to 1833, the year of the expiration of the charter of the Bank of England. But the great commercial convulsion of 1825, which swept banks, merchants, farmers, every thing, before it, with the destructive fury of a tornado, soon after occurred, and forcibly admonished British statesmen of the necessity of seeking a remedy—in part, at least—in a more solid constitution of their currency. Accordingly, in the beginning of 1826, Lord Liverpool and Mr. Robinson, the one the first Lord of the Treasury, the other the Chancellor of the Exchequer, introduced and carried a bill providing for the prohibition, after April, 1829, of all small notes under the denomination of five pounds. This law was stoutly and zealously opposed at the time of its enactment, and repeated attempts were subsequently made to procure its repeal, before the period fixed for its operation. But these efforts were happily unavailing; and the doctrine of Adam Smith, in regard to the prohibition of all notes under the denomination of five pounds, re-established in 1829, after experiencing the bitter fruits of a temporary departure from it, may now be considered as the final and settled policy of the British Government. It has received the sanction and support of her ablest statesmen—of Liverpool, of Peel, of Canning, of Huskisson, of Brougham, of Wellington—all of whom, upon the fullest experience and consideration, have, from time to time, borne their testimony to the value and importance of this essential restriction upon a paper circulation.

And what has been the result in practice? Why, to give to the people of England virtually a metallic currency; for gold and silver form there the daily habitual medium of all ordinary transactions. A bank note, except on special occasions, is a sort of phenomenon. On this point we have precise information. It appears, from statistical returns referred to by the Chancellor of the Exchequer in the House of Commons, a few years ago, that the amount of gold then in circulation was twenty-two millions of pounds sterling, and of silver eight millions of pounds sterling. I do not speak of gold and silver locked up in the vaults of banks; but of that which passes daily from hand to hand, in the ordinary transactions of business. Mr. Gallatin, in his instructive pamphlet on the currency, published in 1830, states the metallic circulation of England at precisely the same amount. Allowing nothing for any augmentation since, the people of England have, then, an actual circulating medium of gold and silver to the amount of about one hundred and fifty millions of dollars. The Secretary of the Treasury, (who, doubtless, has access to the most authentic sources of information on the subject,) in his annual report at the commencement of the session, states the whole paper circulation of England, at this time, at one hundred and fifty-two millions of dollars. We may, therefore, conclude that what Mr. Gallatin says, in the pamphlet thus referred to, is substantially correct--that, "by the suppression of all notes of a less denomination than £5 sterling, the amount of the circulating metallic currency in England has become equal to that of bank notes of every description." One half of the entire circulation consists of gold and silver, constantly passing from hand to hand, and performing all the offices of exchange in the ordinary business of life, and thus forming, in fact, the practical currency of the country. It is this large infusion of the precious metals which has preserved the currency of England, in the main, in a healthy condition, under a system of banking which her prime minister himself, (Lord Liverpool,) in 1826, pronounced to be, in other respects, "the most insecure, the most rotten, the very worst, which it is possible to conceive."

Much has been said recently, I know, Mr. President, of great commercial embarrassments in England, which are attributed by many to a deranged state of her currency. These embarrassments, in my opinion, are viewed in much too serious a light; but if they were not, it must be borne in mind that all commercial countries, however solid the constitution of their currency, will occasionally be visited by revulsions in trade. If, too, they are to be considered as indicating a derangement in the currency of England, the source of that derangement is to be found in those defects of her system of banking which were referred to by Lord Liverpool as making it so insecure and precarious, and not, surely, in that salutary check, the prohibition of small notes. On the contrary, the abundance of gold and silver which that restriction secures in the common circulation of the country is the great preservative of the system, and the anchor which enables it to ride in safety amid fluctuations and tempests that might otherwise overwhelm or subvert it.

It is this abundant supply of the precious metals, filling and saturating the ordinary channels of circulation, which I desire to see brought about in our own country. That is the end to be aimed at. What are the means by which it is to be accomplished? We have seen that in England it has been accomplished by the prohibition of all bank notes of a less denomination than £5. Similar means will, doubtless, accomplish the same end here; and, I must add, nothing else will. It is in vain to expect to bring gold and silver coins into circulation, without a previous suppression of all notes of corresponding denominations. The reason is obvious. If there exist in any country two distinct currencies, both of them answering equally well the purposes of domestic circulation, but one of them possessing only a local value, confined to the country of its emission, while the other has a universal and equal value throughout the world, the latter will necessarily go abroad into the commerce of the world, in quest of the riches and productions of foreign nations, leaving the former at home to perform an office which it does equally as well, though it would be wholly without use or value abroad. The total incompatibility, therefore, of a paper and metallic currency of the same denominations, has grown into an axiom. Edmund Burke, (whose sagacity in questions of this sort is well known,) at the memorable period of the bill brought forward by Mr. Pitt for the suspension of specie payments by the Bank of England, in 1797, in a letter written during his last illness to Mr. Canning, which the latter gentleman brought most touchingly to the notice of the House of Commons, in a debate of great interest and instruction on this whole subject, at a much more recent period, (1826,) used these memorable words: "Tell Mr. Pitt that, if he consents to the issue of one-pound notes, he will never see a guinea again." The prophecy, sir, became history. No one saw a guinea in circulation in England while the bank continued the issue of one-pound notes.

In 1828, when a great struggle again took place in the British Parliament, on the final consummation of the effort to restore a metallic currency, there was not a single distinguished man who did not bear his testimony to the truth of Mr. Burke's axiom. The Chancellor of the Exchequer said, on that occasion, "there was a natural antipathy between the one-pound note and the sovereign. They would not exist together, for the note soon drove the sovereign out of circulation." The Duke of Wellington, who was eminently a practical man, and spoke from the teachings of experience, said "the experience of the last few years had proved the truth of the theory, that one-pound notes and gold sovereigns would not circulate at the same time. If you are to have gold in circulation, you cannot have one-pound notes." Mr. Huskisson, whose familiarity with questions of this sort was the result of profound studies, as well as matured experience, said, still more pointedly, "when the paper is let in, the gold will disappear. They might vote the money, they might coin it, but how could they retain it in the country?" This remark applies most forcibly to our present situation. We have voted the metallic money, we have coined it, but it will not circulate. Since we corrected, by law, the under-valuation of the gold coins, (but little more than two years ago,) the quantity of gold in the country, according to the late annual report of the Secretary of the Treasury, has increased fifteen millions. We have coined at our own mint, within that time, according to the same authority, ten millions of gold. But where is it? In the vaults of the banks, or hoarded by individuals! and we shall never see it in circulation until we have opened the way for it by a previous suppression of the small notes. If we mean to do any thing practical and effectual for introducing a more general circulation of specie, we must begin at the right end, by first putting down the small-note circulation.

This is the true policy of the Government, and is that practical reform of the currency which has been steadily held in view by the present administration and its friends. The honorable Senator from Massachusetts [Mr. WEBSTER] discovered great solicitude to know what is to be the system of policy of the new administration upon this subject. I have no means of knowing, Mr. President, which that gentleman does not equally possess. It is generally supposed, however, that the coming administration will, in the main, conform its policy to the exemplar of the present. The inquiry of the honorable

gentleman, then, may be satisfied, by showing him what has been the policy of the present administration; and that cannot be better stated than in the words of our venerable and patriotic Chief Magistrate himself. I beg the indulgence of the Senate while I read a very unequivocal and explicit passage on this subject in the President's message of the last year. In that document he says:

"It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills, and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposites in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country. The attainment of such a result will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans, than all the legislation which has yet been attempted."

Here we have a complete delineation of the policy of the administration on this great question of the currency. Neither the President, nor the body of his friends, have proposed a total suppression of bank paper, or an exclusive metallic currency; but, to use his own words, they have desired to see "a practical reform in the banking system, by the ultimate suppression of all bank bills below twenty dollars, so that gold and silver might take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country." This, he expressly declares, would be "a practical return, to the extent required for the security of the currency, to the constitutional medium;" and the attainment of which, he adds, "will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence." There is nothing in the Treasury circular inconsistent with this interpretation of the policy of the administration. That measure, as I have already said, was an occasional and temporary act, resorted to under a peculiar emergency, till the power of Congress could be interposed to apply a more systematic remedy, and cannot be considered as a departure from a settled and general line of policy. On the contrary, the President, in his message at the commencement of the present session, expressly recurs to the suppression of the lower denominations of bank notes, by the concurrent legislation of the General and State Governments, as forming "the true policy of the country," by which only "a larger portion of the precious metals can be infused into our circulating medium." No other plan can be effectual for the accomplishment of such a result; and, until it shall be adopted, all that may be said, however glowing and fascinating, of the advantages of a metallic circulation, will prove but barren theory, and delusive and unprofitable generality. You may bring gold and silver into the country, and pile them mountains high in your banks; but, without the suppression of the small notes, they will never circulate in the business of society, and will always be exposed to be drawn off by the absorbing currents of foreign trade. The object of a rational policy is, to bring them into daily and active use, invigorating and sustaining the pursuits of industry, and not to have them, like the ancient household relics described by the poet, "wisely kept for show."

The question, then, is, by what means in our power this great object of the suppression of the small notes may be promoted or accomplished. It is through the collection and management of the public revenue only that the agency of this Government can, at present, be usefully interposed. By refusing to receive in payment of the public dues the notes of all banks which shall issue bills of the lower denominations, as is proposed by the resolution I have had the honor to submit, a strong inducement of interest will be held out to the leading State banks to discontinue their smaller issues. The consideration of the credit and more general currency given to their paper, by a receivability in payment of the revenue, would doubtless induce more or less of them to conform to the standard which shall be established in this respect by the legislation of Congress. But my reliance is not so much upon the operation of this measure *per se*, as upon the moral influence it is calculated to exert upon the policy of the States. They have the complete power to prohibit, by law, the emission and circulation of the smaller notes; and I cannot doubt, if this Government shall hold up to them a standard deemed indispensable to the purification and reform of the currency, that that power will, in process of time, be exerted so as to second and render effectual the policy of our legislation here. Have we not every encouragement, in what has already taken place, to hope for such a result? It is only a few years ago that but three of the States, according to Mr. Gallatin, (Pennsylvania, Maryland, and Virginia,) had prohibited the issue of notes under five dollars. But, since that time, it has been the policy of the General Government, in the collection and management of the public revenues, to discountenance bank notes under that denomination. And what has been the result? We have seen the States, one by one, successively conforming to the example, till now a majority of them have prohibited all bank notes under the denomination of five dollars. The confidence I feel in the enlightened patriotism of the State Governments, and in the popular intelligence and virtue which control them, gives me every assurance that an appeal to their co-operation in so great and noble a work will not be in vain, especially when they shall have before them a sober and practical exhibition of the probable results of the policy in which their concurrence is invited.

Let us, then, inquire what is likely to be the extent of the effect which will be produced on the currency by the successive prohibition of all notes under five, ten, and twenty dollars, respectively. Mr. Gallatin, whose

skill in questions of this sort is universally admitted, in his able pamphlet on the currency written in 1830, estimated the reduction in the amount of the paper circulation which would arise, at that time, from the suppression of all notes under five dollars, at six millions; and that likely to be produced by a suppression of the notes under ten dollars, at about seven millions; making an aggregate of thirteen millions of dollars, and equal to one fifth of the whole paper circulation of the country. Another highly respectable authority on American banking (Gouge) estimates, in 1831, the amount of notes under five dollars then in circulation at seven millions; and of notes under ten dollars at ten millions; making an aggregate of seventeen millions. But let us take Mr. Gallatin's estimate, and suppose that the suppression of the notes under five and ten dollars would, together, operate a reduction of one fifth in the whole amount of bank paper in circulation. Let us then suppose (which, I presume, would not be extravagant) that the suppression of all notes under twenty dollars, and above ten, would produce, in amount, a diminution of one fifth more of the paper circulation. By the ultimate suppression of all notes under twenty dollars, we should then gain an aggregate reduction of two fifths in the whole paper circulation of the country. According to the recent report of the Secretary of the Treasury, the whole paper circulation of the country amounts at this time to 120 millions, two fifths of which would be 48 millions of dollars. But, in order to be within sure limits, we will suppose that the amount of bank paper which would be withdrawn from circulation by the suppression of all notes under twenty dollars would be only 40 millions. That, of course, would be replaced by an equal amount of gold and silver. How, then, would stand the account in the final result? Forty millions, taken from the 120 millions of paper circulation, would leave 80 millions of paper; and, added to the 28 millions of gold and silver already in circulation, according to the estimate of the Secretary of the Treasury, would give us 68 millions; or (for the sake of round numbers, and to compensate liberal deductions made above) 70 millions of gold and silver in active circulation—not dammed up and stagnating in the coffers of the banks, but spread over the land, irrigating, refreshing, and fertilizing the whole country.

Such, Mr. President, would be the solid and practical result of the ultimate suppression of all bank bills under the denomination of twenty dollars. It would give to the country nearly one half of its whole circulation in the precious metals, forming a solid and unfailing fund for the payment of labor, for the buying and selling of the necessaries of life, for the great mass of daily transactions, including the wants and interests of the farmer, the mechanic, and the tradesman; while the other half would consist of an improved paper currency for the use and accommodation of the merchant, and for the larger operations of trade and business. I would ask gentlemen if such a result is not "a consummation devoutly to be wished?" Would it not, in the glowing and patriotic language of the President, form "an era in the history of the country which would be dwelt upon with delight by every true friend of its liberty and independence?" And can we suppose that the enlightened Legislatures of the States, in the view of such a result, pregnant with consequences so important to the safety, the prosperity, and the morals, of the whole community, and especially to the interests of those numerous and industrious classes which form the basis and support of our republican system, could be so deaf to the united call of patriotism and wisdom, as not to lend their co-operation in so great and salutary a reform? For myself, Mr. President, I feel a cheering confidence that they will give a helping and efficient hand to this great work. The Legislature of my own State is now engaged in revising her banking system, and I console myself in the belief that she will be among the foremost to vindicate the wisdom and patriotism of the State councils from distrust, by heartily seconding, in her legislation on the subject, our efforts here to establish a sound currency for the country.

But, sir, till by the suppression of the small notes the circulation of the country has become better filled with the precious metals, I do not think it would consist with a just, wise, and paternal policy on the part of the Government to exact payment of its dues in specie exclusively. It could not be done without great hardship to the public debtor, and extensive distress and embarrassment to the whole community. To demonstrate this, nothing more is necessary than to compare the amount of specie in circulation with the amount of the revenue; for it is conceded now, that if payment of one branch of the revenue be required by any permanent regulation to be made in specie, all ought to be paid in specie. According to the estimate of the Secretary of the Treasury, (which appears to me a very liberal one,) the whole amount of specie in circulation does not exceed twenty-eight millions of dollars. The revenue during the last year amounted to forty-seven millions; and perhaps, with all our efforts to reduce it, it may still not fall short of thirty millions. There would, then, be thirty millions of dollars to be paid to the Government, out of a circulation of twenty-eight millions! To confront the two sums is to show the temerity, if not the impossibility, of the attempt. If the public debtors should be thrown upon the banks for large amounts of specie, not to be had from the circulation of the country, no one can be at a loss to perceive to what a disastrous extent the business relations and pecuniary concerns of the whole community would be embarrassed and deranged. And how much of specie, permit me to ask, would remain for that immense mass of payments in private transactions, which, according to a practical estimate made by Mr. Gallatin, in reference to the revenue collected, and the business done, in the city of New York, exceeds more than fifty times the payments to the Government? Nothing, therefore, can be clearer than that an attempt, with our present limited metallic circulation, to collect the public revenue in specie alone would be distressing to the last degree, and could not abide the test of that public judgment without whose approbation no system of policy can or ought to stand.

The honorable Senator from Missouri, [Mr. BENTON,] in the able speech made by him in the opening of this discussion—a speech which does him great credit, not only for the extent and variety of the research displayed by him, but for the force and ability with which he illustrated his own views, (in some of which it is my misfortune to differ from him,)—brought to the notice of the Senate, from the evidence taken before the Committee of Secrecy of the House of Commons on the Bank of England charter, in 1832, the case of a banker at Manchester, who paid out, in the course of a year, about six millions of dollars in specie to the operatives of that place. But this was done in a country which, as I have already shown, possesses an actual circulating metallic currency of one hundred and fifty millions of dollars, whereas our metallic circulation is but twenty-eight millions! The examination of Mr. Samuel Jones Lloyd, (the banker referred to,) on this point, is so instructive in itself, and so strikingly illustrative of the arguments I have advanced, that I beg leave to read the whole of that portion of it to the Senate, in the form of question and answer in which it is reported:

"*Question.* You are aware that a great amount of specie is required every week for the payment of wages at Manchester?

Answer. A very large amount.

Question. Can you give the committee any idea of the amount?

Answer. No, I cannot; but, so far as regards the issue of our own house, I should say that upon the average we pay about 25,000 sovereigns a week.

Question. Is that a fresh supply of sovereigns in each week, or do you obtain it from the circulation of the place?

Answer. We require a continual fresh supply, but not to that extent. I think the fresh supply requisite will average something less than 10,000 a week.

Question. Before the abolition of the £1 notes, were those payments generally made in £1 notes?

Answer. Entirely.

Question. Was the amount then about the same?

Answer. Quite as large.

Question. You say that about 25,000 a week is what you are called upon altogether to pay, and that about 15,000 come back into your hands? What do you apprehend becomes of the remaining 10,000 sovereigns?

Answer. When the £1 notes were in circulation, we could trace it pretty accurately, and I believe the course to be the same with the sovereigns; they are paid principally in wages. The work people lay them out in clothing and provisions, and those sovereigns pass to the provision dealers, and thence into the districts from which the provisions are supplied; the sovereigns then pass into the hands of the country bankers in those districts, who either send them up to London or return them to Manchester, as may be most convenient to them.

Question. It does not follow, then, because you are obliged to have 10,000 sovereigns from the branch bank, (that is, branch of the Bank of England,) that the amount of the circulation in Manchester is continually increasing at the rate of 10,000 a week?

Answer. No, I do not apprehend it is increasing at all."

Now, sir, let us see how these large payments in specie, in Manchester, are made. Mr. Lloyd says, expressly, that, of the 25,000 sovereigns a week paid out by him, 15,000 of them are obtained from the circulation of the place, as, through that channel, they regularly come back into his hands; that he requires a fresh supply of about 10,000 sovereigns a week from the bank; but these 10,000 sovereigns are also constantly returning to the bank from the circulation of the country. They are first paid by the work people to the provision dealers; then by the provision dealers to the farmers, of whom they procure their supplies; from the farmers they pass into the hands of the country bankers, who either return them to the branch bank at Manchester, or, what is the same thing in effect, send them up to the parent bank at London. Thus, the whole amount of these specie payments is supplied by the actual circulating medium of the country—a thing easy and convenient enough, and perfectly natural, where the amount of gold and silver in daily and active circulation is 150,000,000 dollars. To make large payments in specie, under such circumstances, is attended with no difficulty, because specie is the common and habitual currency of the country. The metallic circulation of England is a perpetual fountain, fed by the streams which flow from, and are constantly returning into, it. But to make payments in specie to the Government alone, of thirty or twenty millions of dollars, or the half or the fourth of those sums, in a country whose circulation consists of $120,000,000 of paper, and of but $28,000,000 of gold and silver, is a far different operation.

Another most important lesson is to be derived from the evidence of Mr. Lloyd. How were these payments for wages made in Manchester previous to the prohibition of small notes? In sovereigns? In gold or silver? Let us return to the examination of Mr. Lloyd:

"*Question.* Before the abolition of the £1 notes, were those payments generally made in £1 notes?

Answer. Entirely.

Question. Was the amount then about the same?

Answer. Quite as large."

Previous to the suppression of the small notes, then, the whole amount of payments now made in gold were made exclusively in £1 notes, and, but for that suppression, would still be made in £1 notes. While the £1 notes were in circulation, these payments could not be made in gold, because gold was not in circulation. Gold was, doubtless, in the country, accumulated in the vaults of banks; but not being in circulation, there was no common and accessible fund from which it could be readily and conveniently obtained for the business of life. It never will be in circulation until bank notes of the smaller denominations have been first suppressed. It is in vain for the Government to attempt to bring it into circulation by demanding it in payment of the public dues. By doing so, the public debtor may be subjected to hardship, the banks may be exposed to runs upon them for specie, and the business of the community may be crippled and deranged. But gold and silver will never circulate while bank notes of the same denomination are permitted to occupy the channels of circulation. "You may call spirits from the vasty deep, but will they come?"

The requisition of specie in payments to the Government will not only not avail to bring gold and silver into circulation, but, if insisted on, while gold and silver yet form, comparatively, but a small part of the actual currency of the country, it will inevitably have the effect of diminishing their circulation. While bank paper forms the great mass of the currency of the country, if the Government refuse to receive it in payment of the public dues, and demand specie exclusively, the necessary consequence will be to enhance, to a greater or less extent, the value of gold and silver in relation to paper. That being the case, gold and silver will no longer circulate freely. Those who have specie will be unwilling to part with it, except at a premium; and those who have notes will be anxious to convert them into specie. Hoarding of the precious metals will then commence, and but little of them be seen in circulation. No one, I presume, Mr. President, attaches much importance to the collection of the public revenue in specie, as an ultimate object, if it can be made equally safe by other means. It is only as an instrument of purifying and correcting the currency that it deserves the consideration of a practical statesman. The great object is not to amass specie in the public Treasury, or in the vaults of banks, but to diffuse its healthful currents through the business of society, and to bring it into active circulation among the people. This can only be effected by the previous suppression of the small notes; and any attempt by the Government, before that is done, to collect its revenues in specie, instead of promoting and extending the circulation of gold and silver, tends directly to narrow and diminish their circulation.

The indiscriminate refusal of bank paper in payment of the public dues might, in the present condition of the country, be attended with other serious hazards. We have heard a great deal recently, Mr. President, of the pecuniary panic and distress prevailing in England and Ireland, and of the extensive commercial embarrassments felt there. These embarrassments (in Ireland, especially) seem to have arisen mainly from this very circumstance of a refusal to receive the paper of solvent banks in collections of the public revenue. It appears that some of the collectors of the customs had arbitrarily refused the bills of the Provincial Bank of Ireland.

Thereupon, a run upon the bank immediately commenced, which, nevertheless, weathered the storm. The panic spread in regard to other institutions, which, though solvent, were compelled to stop payment; and a general scene of confusion, alarm, and embarrassment, ensued. But I will give the details in an extract from an English paper, which has been republished extensively in all our principal journals. Here it is:

"The pressure was yet severe, not only throughout England, but in Ireland. In the latter country there had been a panic, attended by several severe commercial disasters. This panic was commenced by the collectors of the customs at Newry, and some other places, refusing the bills of the Provincial Bank of Ireland. A run upon the bank was the inevitable and immediate consequence. The solvency of the bank, however, had never been questioned, and was finally attested by the result. The panic spread in respect to other institutions, and the Dublin Agricultural Bank stopped payment on the 15th. Strong efforts were made by its friends to sustain it. One gentleman, Mr. Gresham, sent in £25,000. The liabilities of the bank are stated at £240,000; its assets at £680,000.

"This bank was established in 1834, by 2,170 partners. It now has 5,000 partners, and twenty-six branches scattered all over the country, all of which stop, of course. But, notwithstanding the solvency of the institution, its suspension will operate fearful injury."

All this pecuniary suffering and distress, widely ramified as it afterwards became, originated in the refusal, by officers of the Government, to receive the notes of a solvent bank in payment of the public revenue. If, Mr. President, we shall, by a sweeping law, refuse to receive the paper of all banks, however sound, in discharge of the public dues, will there not be danger of similar consequences? Might it not operate, to a certain extent, as a discredit of all bank paper, exposing the institutions which issue it to severe runs, and the community at large to consequential pressure and embarrassment? At all events, there would be heavy demands upon the banks for the specie requisite in payments to the Government, which the limited metallic circulation of the country would be wholly inadequate to supply. Would it be just or wise in the Government, in the present condition of the currency, with a Shylock severity, to demand its pound of flesh? Would not such a course tend to produce, instead of averting, the catastrophe which appears to be dreaded by some?

I should be as little disposed, Mr. President, as any member of this body, to hazard the safety of the public revenue by any undue laxity in regard to its collection. The proposition I have had the honor to submit provides studiously for the security of the revenue. It not only does not allow the notes of any banks to be received, but such as are promptly redeemed in specie—subject, too, to important restrictions in regard to their denominations—but it expressly declares that no notes whatever shall be received which the banks in which they are to be deposited shall not agree to pass at once to the credit of the United States as cash. This guarantee of the deposite banks converts the whole of the public collections virtually into specie; and when it is recollected that the Secretary of the Treasury is empowered, whenever he thinks it necessary, to obtain from them a special and supplementary security for the public deposites, the solidity of the guarantee may be reposed upon with confidence.

It is objected to this provision, by some gentlemen, that it puts it in the power of the deposite banks to say what notes shall, and what shall not, be received by the Government in payment of its revenues. The absolute responsibility of the deposite banks for the notes deposited with them on public account is deemed a fundamental principle in the fiscal code of Government; without it, the practice of special deposites must be revived, which formerly subjected the Government to heavy losses, and is the origin of the unavailable funds still borne on the books of the Treasury. But if the deposite banks are to be absolutely responsible for the notes deposited with them as so much cash, they ought, certainly, to have a reasonable discretion as to the notes they shall receive on deposite. This is no new principle in the practice of the Government; it has been a standing instruction from the Treasury Department to the public receivers and collectors, for more than twenty years, to receive no notes but such as the deposite banks would credit to the United States as cash. To satisfy, however, as far as possible, the jealousy which has been expressed on this subject, and to guard against any arbitrary or wanton abuse of their discretion by the deposite banks, I have, by a modification of my original resolution, placed them, in this regard, expressly under the supervision and control of the Secretary of the Treasury.

While the proposition I have had the honor to submit provides, as I believe, in the amplest manner, for the security of the public revenue, it pays a due regard to the interests of the great body of the community. An inflexible exaction of gold and silver in payments to the Government, in the present condition of the circulating medium, it seemed to me, would involve a necessary and serious derangement to the whole business and commerce of the country. These interests I believe to be more or less common to all. I am not one of those who see a natural enmity and inherent incompatibility between the interests of different classes of men; I do not belong to that school of philosophy which divides society horizontally, the upper portion pressing upon the lower with the weight of its incumbent mass, while the latter is constantly striving to throw off the load by violent and vindictive struggle. This is the *bellum omnium in omnia* which forms no part either of my philosophy or my feelings. No, sir, my theory assigns a perpendicular stratification to society, placing all its component parts side by side on the same platform of equality, with common rights, common interests, and common duties, mutually giving and receiving support by their juxtaposition. In this aspect, the interests of the merchant, the farmer, the mechanic, the laborer, are the same; what promotes the prosperity of one, redounds to the advantage of each.

In regard to the effect upon the currency, the proposition I have had the honor to submit, if adopted, would prove in some degree instrumental, I trust, in promoting that great reform which has been so impressively recommended by the patriotic Chief Magistrate of the nation, and which, at the moment when he is about to close a long and glorious career of public service, in a hallowed retirement, "by all a nation's wishes blest," may well form the object of his ardent vows for his country. That reform seeks, by the substitution of gold and silver, in place of the lower denominations of bank paper, to make the precious metals the familiar currency of common life. But this object can be fully accomplished only by the ultimate suppression of all notes under twenty dollars; five-dollar notes and half eagles will not circulate together; the ten-dollar note must be put down, before the eagle can take its place.

I am aware, Mr. President, that our position is not exempt from difficulties and dangers. But I see in them nothing to create alarm, far less to excite despondency; but every thing to rouse the devotion and energy of the patriot. With whatever embarrassments we may be beset, there is a redeeming power in the virtue and intelligence of the American people, which will conduct us in safety and triumph through them all. Some gentlemen, I find, still fondly recur to their favorite pre-

scription of a national bank, as the panacea for all our ills. In my humble judgment, sir, the remedy is far worse than the disease. The protection of a national bank would be "such protection as vultures give to lambs." No, sir; let us rather invoke the protection of our guardian and victorious bird, the American eagle, the emblem of our freedom and strength. An able and experienced member of the House of Commons, speaking of the inherent tendencies of the banking system, said: "There is in it an inevitable tendency to over-issues of paper, without a constant sentinel keeping watch upon it; and that sentinel [for them] was the metallic sovereign in constant circulation." The American metallic eagle, in active circulation, will perform the same tutelary office for us; and, with such other provisions as the practical and sagacious spirit of American legislation shall devise, will finally, I firmly believe, place our currency on a footing which, for convenience and security united, will rival any other under the sun.

Let the State Legislatures proceed firmly and vigorously in the suppression of the small notes. I believe they will. They have the highest motives which can address themselves to human action to accomplish this great reform. Let them subject all banks, both old and new, to efficient regulation; let them regard with jealousy every proposition for an increase of banks, and yield to none which is not founded on broad considerations of public utility; let them impose strict, practical limitations, both upon their issues and their discounts; let them provide for frequent periodical scrutinies into their condition; and, above all, let them retain in their own hands a constant power of correcting abuses, and of protecting, in every emergency, the interests of the community.

It is this principle of legislative regulation and control over banking institutions which constitutes the distinctive feature of American policy. It is the result of the practical character of the American mind; and I am happy to perceive that the people of older countries—of England, especially—are turning to us for lessons and examples in this branch of the public economy. In that country, beyond the sixty-five miles from London, which define the limits of the Bank of England monopoly, numerous broods of joint stock companies and private bankers have sprung up, without regulation by law, without limitation of number, without restriction as to their issues or discounts, and without responsibility to the public authority. The consequence has been, that this branch of their system has run into wild disorder and confusion. They now see that the privilege of issuing money, of whatever kind, is an essential branch of the public sovereignty, and, like every other delegated power of that sort, it must be subjected to regulation, to inspection, to responsibility. This is a lesson they have learned from us; and it is gratifying to see that, on another fundamental point, the most enlightened minds in that country are coming to the same conclusion that we have attained. They begin to see that the monopoly of the Bank of England, as that of the Bank of the United States here, is a dangerous monopoly; that the dominion of such an institution over the circulation is a power more of evil than good; and that it must be brought down to the level of competition with other solid institutions. The opinions of the two countries, on this great concern of the currency, are mutually approximating, and settling down upon a common system. They are learning from us the necessary checks and controls of a paper currency; we from them, I trust, the value and importance of an enlarged metallic circulation. I repeat, then, there is nothing in our present situation to excite alarm or despondency, whatever occasion there may be for vigilance and caution. Let us look our dangers steadily in the face, but let us not be dismayed by them. Let us grapple with the difficulties which may oppose us, in a spirit of strenuous and determined patriotism, and we shall triumph over and subdue them. In conclusion, let me say to the political friends with whom I have had the honor to act in trying times, that, after having successfully dissipated so many panics raised under other auspices, we shall not, I trust, at last become the victims of a panic of our own creation.

When Mr. RIVES had taken his seat,

Mr. CLAY rose and said that he desired to submit to the Senate a few considerations on the subject under debate; but, as the hour was somewhat late, the Senate might prefer that he deferred what he had to say till to-morrow, and proceed for the remainder of to-day to some other business; whereupon,

On motion of Mr. BROWN, the Senate adjourned.

WEDNESDAY, JANUARY 11.

Mr. KENT presented the credentials of JOHN H. SPENCE, elected by the Legislature of Maryland a Senator from that State, to fill the place vacated by the death of Hon. R. H. GOLDSBOROUGH, till the 4th of March next.

TEXAS.

Mr. WALKER submitted the following resolution, which lies on the table one day, for consideration:

Resolved, That the State of Texas having established and maintained an independent Government, capable of performing those duties, foreign and domestic, which appertain to independent Governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in perfect conformity with the laws of nations, and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States.

Mr. WALKER said it was not his intention to ask a departure from the rules of the Senate, in order to enter upon the consideration of this resolution at this period. The resolution, (Mr. W. stated,) he would only say, at this period, was in exact concurrence with the views expressed by the President of the United States in his last message on this subject. In that message, the President declared it as his opinion, that the independence of Texas might be considered as suspended upon the issue of the threatened invasion by the army under the command of General Bravo. Mr. W. said he had this morning received information direct from Vera Cruz, as late as the first of December last, that this invasion had proved entirely abortive; that the army of Bravo had been reduced, by desertion and other causes, to a very small number; that this miserable remnant was unsupplied with provisions; and that, in consequence of these events, General Bravo had resigned the command of the army, and that the invasion, in all probability, would be abandoned. Mr. W. said he was satisfied that full reliance might be placed on the correctness of this information, and that he was fully convinced that, with the knowledge of these facts, the President would cheerfully unite with Congress in recognising the independence of Texas.

TREASURY CIRCULAR.

The Senate having again proceeded to the order of the day, which was the consideration of the resolution heretofore moved by Mr. EWING, of Ohio, concerning the Treasury circular, with the substitute therefor proposed by Mr. RIVES—

Mr. CLAY said that he took great pleasure in tendering to the Senate his respectful thanks for the indulgence which had yesterday been accorded him, at the instance of the Senator from North Carolina. And he should esteem himself most happy if on the present occasion he

should be so successful as to say what should occasion no regret to any for having conferred npon him that indulgence.

In the State (said Mr. C.) of which I am a citizen, I had lately occasion to express my opinion in regard to that Treasury order which it is proposed in the resolution offered by my friend from Onio [Mr. EWING] to rescind. What I said on that occasion appeared in the prints of the day; and a degree of unexpected notoriety has since been given to it during the present session. What I uttered I sincerely believed. I believed it then, I believe it now; and I reaffirm it with all sincerity here in my place, as my settled opinion. Before, however, I proceed to state the grounds on which it rests, I shall take some notice of the able speech with which we were yesterday favored by the honorable Senator from Virginia, [Mr. RIVES.] Though that speech was any thing but a justification of the legality of the Treasury order, it was ingenious, plausible, often eloquent. The speech throughout its whole tenor was indeed directly adverse to the order. The Treasury order proceeds on the principle of requiring specie only in payment for one of the most important branches of the public revenue; but the Senator from Virginia is in favor of receiving in payment a mixed currency. The order proceeds on the principle of exhibiting partiality toward certain particular classes, in their payment of the public dues; the Senator from Virginia is for a rule which shall operate alike and equally on all, and shall extend to every branch of the public revenue. In a great deal, indeed, in most of what was so well said by that Senator, I entirely concur. There are, however, some points of difference, which I shall presently notice. I regret, that while the country generally, while the Senator himself, and while we all, are so deeply interested in knowing what is to be the real policy of the administration on the question of the currency, we are left as much in the dark as ever. On one side of the Senate, by one friend of the administration, it is said that the precious metals alone are to form the currency, and that all paper is to be driven out of use; gradually, indeed, but surely. The Senator from Virginia, on this side, says that the policy about to prevail seeks to establish a mixed currency, consisting in part of specie, and in part of the notes of specie-paying banks. Which of these friends of the administration are we to credit? I must confess, that so far as past experience is to be looked to on such a subject, it seems to favor a metallic system more than a mixed currency.

At the last session of Congress, a proposition was introduced into the Senate, requiring the payment of specie in all cases by the purchasers of our public lands. That proposition was, however, put down by an almost unanimous vote. For, although no call was made for the yeas and nays, I think I am fully authorized in saying that, had such a call been made, there would not have been more than one or two votes in favor of the measure. Yet on the 11th of July, almost immediately on the rising of Congress, we find this very proposition imbodied in a Treasury order, which requires the payment of specie in regard to our most important branch of the public revenue. This fact would seem to indicate that the policy of a mixed currency, for which the Senator from Virginia has contended, was not then the policy of the administration, and that not his but another's influence was predominant in the cabinet. In the preamble to this order, in which the reasons for it are set forth, we find not only that specie is required from all purchasers of the public land, but that that other element of the currency which the Senator would retain is denounced as "paper money." And even in regard to the messages of the President himself, did time permit, and were it necessary to do so, it would be easy to show from all of them, so far as they relate to this subject of currency, that although President Jackson commenced his administration by recommending a mixed currency, yet that he gradually departed more and more from that ground, until, in the message of 1835, referred to by the Senator from Virginia, he speaks of getting back to the "constitutional medium," evidently alluding to an exclusive specie circulation. You will therefore agree that the uncertainty of which I have spoken is not feigned, but real; and I entreat the two divisions of the friends of the administration speedily to settle between themselves the controverted question, what the policy to be pursued actually is, and forthwith to state it to the country, so that all our business men may have an eye to it, and regulate themselves accordingly, in their moneyed transactions.

The Senator from Virginia tells us that he is in favor of an enlargement of the metallic foundation of the currency. And who is not? Is the idea a new one with the Senator from Virginia? Did it not originate, or was it not at least first pressed by my friends who were endeavoring to guard the currency of the country from the dangers which beset it? Was not the principle of restricting issues of bank notes below prescribed denominations first introduced by the Senator from Massachusetts who sits near me, [Mr. WEBSTER,] as one provision in the renewed charter of the Bank of the United States in 1832? And while I am very sure that the Senator from Virginia did not take from the speech of my friend on that occasion the anecdote which he introduced into his own of the message sent by Mr. Burke to Mr. Pitt, warning him that if he permitted the issue of one-pound notes he would never again see a guinea in England, yet it does so happen that that very anecdote was related by the Senator from Massachusetts in his speech before the Senate in 1832, and was used by him expressly in support of the idea of increasing and strengthening the metallic basis of our paper currency.

But whilst both gentlemen concur in the propriety of imposing some limitation on our paper circulation, yet there is a wide difference between them as to the mode in which that desirable object is to be effected. The Senator from Virginia would rely on the voluntary action of a thousand banks, and of twenty-six State sovereignties operating on those banks. We of the opposition, on the contrary, thought it wisest to rely on a remedy within our own power, to trust to our own laws, and to look to that which we could effect by our own energies and the exertion of our own constitutional authority. We considered this a practical and efficacious means. The Senator from Virginia relies on what I consider wholly inefficient. His reliance, it seems, is on the enlightened patriotism of the States and of the banks; the enlightened patriotism of nine hundred or a thousand banks, created for the sole purpose of making money! But, sir, have we no lessons from experience in our own past history, as to the degree of reliance which may safely be placed on the mere voluntary action of any community, however enlightened and patriotic it may be? What was the state of things during our own Revolution, when we were contending in the most glorious cause that ever animated the hearts or nerved the arms of men? The reliance was then on the voluntary payment of the quotas, not of twenty-six, but of thirteen States, indispensable to the success of that cause and to our soldiers, who, unfed and unclad, were enduring every suffering to which humanity can be possibly exposed. Let me ask the honorable Senator, in view of what then took place, whether reliance on the patriotism even of enlightened States, much less that of banking corporations, is safe and secure.

It is now four or five years since the policy was first announced on our side, and was afterwards taken up by a portion of the friends of the administration, to widen the metallic foundation of the currency by a prohibition of

small bank notes; and what has been the result? How many States has enlightened patriotism induced to adopt the policy? The Senator from Virginia mentioned Virginia, Pennsylvania, and Maryland, to which he might have added Kentucky, and possibly one or two others, as having imposed the desired restriction; but they did it either prior to, or without any sort of reference to the annunciation of the policy from Washington. Of all the twenty-six States, he believed New York and Maine only had conformed their legislation to the recommendation sent forth from this city. And it is remarkable, with respect to Maine, as he had understood, that, after the restriction was imposed, a supply of the prohibited notes below five dollars was sent for to Massachusetts, for small change in the transaction of business.

No, sir; no man has a higher opinion of the patriotism of the country than I have. There is no one who entertains a higher opinion of the patriotism of the States, or is more disposed to place a due and proper degree of reliance upon it; but I consider it sound policy not exclusively to depend upon it, but to add to that security the salutary vigor of the law. Hence we supposed that it had been demonstrated by all experience in this country that a national bank, created by, and under the proper control of, this Government, was a fit and necessary instrument to guard the paper system of the country against its tendency to run into excessive issues, and ultimately into utter disorder; that such a bank would at least retard that deplorable state of things; and that, if it could not finally prevent it, when the notes of the local banks had lost all confidence, and ceased to be a secure circulation, the notes of the national bank would remain a safe medium, in which the revenue of the country could be collected and disbursed.

From the moment that the Bank of the United States ceased to exist, you gave up the rudder of the national currency, and I greatly fear that it will get into such a state of confusion that we shall see it go on, from worse to worse, until all shall unite in totally withdrawing from it the public confidence.

But if it were even possible that you could succeed, by appeals to the States and to the banks, in bringing about the restoration of a sound currency, how long would it last? Supposing a general pressure to be produced by the withdrawal of specie from the country, would not the banks instantly be prompted by the States themselves to supply the wants of the community by furnishing the desired medium? Trace back your own history; look to that period which preceded the Revolution, when the colonies were compelled to resort to bills of credit, and even to tobacco, as a circulating medium. I believe that in Virginia, the law to that effect remains still on the statute book, and that fee bills of some public officers are yet made out at the rate of so many pounds of tobacco for each item. If altered, the law has not been very long changed. The necessity of a circulating medium of some kind is indispensable. Society cannot exist without it. It cannot revert to the primitive state of barter. The representative of property must be had, even if it be in the form of peltries, tobacco, uncoined bars, paper money, or small bank notes. And this great social want is paramount to all law.

But the plan of the honorable Senator, to effect a restriction on bank issues, does not consist exclusively in a reliance on the patriotism of the banks or the States. He would appeal to the interest of the banks, and would hold over them the threat that, unless they cease the issue of small notes, the public deposites shall be withdrawn from their custody; in other words, it is by employing the revenue of the United States that he would effect the restriction he seeks. Now, sir, what is the amount of this revenue? Twenty-five or thirty millions per annum. And what did he tell us from very high authority? He told us that the money transactions in one single city, the city of New York, were estimated several years ago, and that by a man than whom none is better acquainted with all such matters, at 1,500 millions annually; and at this day the amount is probably double that. Now, if, in one single city, the course of business requires the employment of 1,500 millions of dollars annually, what must be the aggregate amount of the transactions in all the other cities and parts of the Union? The amount baffles all human calculation; and do you suppose that, by wielding a revenue of only thirty millions, you can overawe, coerce, and control banks whose business amounts, perhaps, to a thousand times as much? What proportion does the number of your deposite banks bear to that of the whole of the banks of the Union? Before the passage of the deposite act they amounted, if I remember, to less than forty; they are now, perhaps, eighty; and we are told by a secret authority, which seems to be high and controlling, that their number, when the deposite act is executed, is again to be reduced down to forty; but say it is eighty, and then by your operation on these eighty banks you are to bring about an effect so important as to deprive the remaining nine hundred and twenty banks of that which, in many instances, constitutes the most important part of their circulation. Can we not see that the thing is perfectly chimerical?

Suppose you prevail with one bank to give up the issue of its small notes. What is the immediate effect? The vacuum produced by the withdrawal of the small notes of that bank is instantly filled by the small notes of other banks; and even if you could go a step further, and prohibit your deposite banks from receiving in deposite the notes of any bank which issues bills below five dollars, what would be the further effect? There would be an instant collision between the deposite banks and the other banks of the country; and, as the other banks are so much more numerous, the necessary result would be, the utter destruction of the deposite banks themselves. We have already seen some of the effects resulting from these requirements. We passed an act at the last session prohibiting the use of notes below $10 in the disbursements of the United States. Well, sir, we have a disbursing bank in this city; and how was the rule observed? All the Senators who hear me are personal witnesses to its violation in payment to themselves of their daily allowance. I do not mention this to complain of it. It is possible, if you had ordered the officers of the Senate to receive either specie or notes over $10, it would have been complied with. But the bank still goes on, and it would still continue its course, notwithstanding any voluntary restriction which your wisdom may suggest. Is it not too much to expect that, when you, to whom the task belongs, have abandoned the care of the currency of the country, the States or the banks shall take upon themselves the duty of remedying the defects or the neglect of your legislation? The parties will take care of themselves, and will look no further. They will leave to the whole to provide for the interests of the whole. What interest have the banks in Maine, for example, so to shape their course as to suit the exigencies of the community in Louisiana? We, on the contrary, contended for one currency, which should be general throughout the Union, consisting of the notes of the bank of the General Government, and for a local currency, consisting of the bills of local institutions; so that there might be a general currency, to be employed in purposes of a general nature, while the local currency would subserve all local purposes. Our wish was to have the general currency every where receivable in payment of the public dues, while we relied on the local banks for the medium of local circulation. But you have given up a bank whose credit was coextensive with the commer-

cial world, which supplied a currency never surpassed, and regulated exchanges with an economy unexampled in this or any other country. And do you expect these local institutions can be an adequate substitute? Do you cherish the vain expectation that the States will come to your relief, and rectify your incompetency? No, sir, no. Each State will say, it is not our affair to provide a general currency for the United States; we must leave that to be managed by the General Government. And does not all experience demonstrate that, while local Governments constitute the safest depository of local interests, the General Government alone can provide for the welfare of the whole?

What is the present actual condition of the banking capital of the country? We told you that the moment you destroyed a Bank of the United States there would immediately spring up innumerable local banks; that banking capital would then be greatly extended, and that the change might lead to the destruction of all confidence in the circulating paper medium. And are not these predictions in a rapid progress of fulfilment? We are informed by the Secretary of the Treasury that the amount of bank capital has increased, since the veto on the bank charter, from 200 millions to 300 millions—an increase of fifty per cent.; and that the circulation has increased in the same ratio, viz: from 80 millions to 120 millions.

I concur with the Senator from Virginia in the position that no state of things is more calamitous than that which accompanies a decline in the circulating medium of a country; and the degree of distress is in proportion to the rapidity of such decrease; while, on the other hand, the prosperity of a country is never at least apparently greater than while the amount of its currency is on the increase. But does any man suppose that this can continue? Can any reflecting man persuade himself that twenty-six distinct and independent States, looking each one to its own separate interest, will exercise such forbearance as not to add bank to bank, and increase the paper circulation within its limits, till the country will be involved in the danger of some great calamity? I greatly fear it. When or how it shall come, no one can exactly foresee; but we can all imagine that, if there should occur a great failure, or a great reduction in the price of the Southern staple, or (what is now actually threatened) a general return of American stocks which have been sent to Europe on foreign demand, from any cause, of a large amount of the specie in the United States, the necessary consequence would be such a run upon the banks as may cause a general suspension of specie payments, if not the bankruptcy of many of the banks. What is their present condition? They are without concert, co-operation, or mutual confidence. The moment there is a great and sudden demand, to meet a corresponding demand abroad, there must ensue a general panic throughout the country. Each bank, being necessarily unable to measure the exact extent of the demand, will, of course, call on its own debtors, and the same thing, for a similar reason, taking place in all the other banks, there will probably be a general stoppage of payments and universal bankruptcy. Was not all this foreseen? Was it not foretold? Were gentlemen not warned, again and again, not to destroy the only means on which we could with safety rely?

Between the system of the gentleman from Virginia and the hard-money system, I am far from being sure that the latter is not a more efficacious remedy than any voluntary action of the States and of the banks. The hard-money system proposes that, in all collections and disbursements of the revenues of the Government, specie alone shall be received, and all paper, of every description, entirely excluded. The object of both systems is to retain a certain amount of specie within the nation, by the creation of a necessity for its use, and thus to prevent its exportation: for if the Government shall decide to receive nothing but specie in payment of its dues, the consequence would be the necessity of retaining a sufficient amount of the hard metals for the collection and disbursement of the revenue. It might not, indeed, be necessary to retain the whole amount of 30 millions, assuming that to be the annual revenue, since one dollar in specie might be made to pay two dollars in revenue. But a certain amount, bearing a considerable proportion to the revenue, would be retained in the country. The process of getting at such a result is of necessity extremely difficult, and would create much practical inconvenience.

If specie should become very scarce, the collectors of the Government might, from necessity, be forced to receive a portion of the revenue in notes of good banks; but if you received this revenue in specie only, you immediately and unavoidably elevate the relative value of specie above other parts of the currency, because, while hard money would perform all the offices of other media of circulation, it would then discharge one other office, which they could not. The result must be to create a demand for specie, and thereby to render it a marketable commodity. A man would not then, as now, be as ready to receive a debt in good notes as in specie. He will always want the specie, because it would command a premium. Does not the Senator perceive that gold and silver must then cease to be a circulating medium, and be converted into merchandise? It would be sold at an advance, and would be hoarded for that end. Yet I am far from being certain, if the object in view be to retain a certain amount of hard money in the country, that the remedy which suggests the exclusive use of specie has not a certainty of success which cannot be produced by relying on the patriotism or the voluntary action of a thousand banks and twenty-six independent State sovereignties. My word for it, in fifteen or twenty years after the system of the Senator from Virginia shall have gone into effect, although the same identical banks may not continue to issue notes of a small denomination, yet the aggregate amount of such notes in actual circulation will not be less than it was at the commencement of the experiment.

But we were told by the honorable Senator that Great Britain and several other countries of Europe, having become enlightened by the example of America, are disposed to imitate it. He told us, further, that the people of Great Britian are becoming sensible of the impolicy of monopolies, and opposed to the continuance of the Bank of England, and that the present policy of that Government aims at the establishment of joint stock companies, in addition to the large number of private bankers, and by this means ultimately to get rid of the Bank of England altogether. On that subject all I can say is, that such is not the state of my information. I know, indeed, that they have lately passed a law for the creation, under certain restrictions, of joint stock companies; but what is the state of public opinion in regard to those local banking institutions, which so closely, as the Senator thinks, resemble our own? It is distrust, uncertainty, and fear. We are all aware that a committee of the House of Commons, at the head of which is the Chancellor of the Exchequer, was required to examine into the condition of these local banks. I have before me a report of that committee, rendered as late as August last. The joint stock companies in that country are established by what they denominate deeds of settlement, which specify the conditions under which they are erected. After presenting an analysis of a variety of these deeds of settlement, the committee enumerate thirteen different defective provisions in the laws, which may require the interposition of Parliament, and they conclude by urging the necessity of the greatest possible prudence and caution in the management of those banks.

While the language of the report shows very clearly that there is great apprehension felt as to the safety and solidity of these institutions, yet it is so constructed as prudently to avoid the excitement of unnecessary alarm. But supposing it to be true that, in a Government constituted as is Great Britain, it were possible to dispense with a national bank, and to rely on local joint stock companies and on private banks, let me ask the honorable Senator if the condition of England and America is not totally different? You there see a power asserted for Parliament to legislate with plenary authority, both for the future and for existing institutions. Have we any such power? Theirs is a consolidated Government; ours is a confederacy. They have power by their legislation to guard against malepractices in all the banking institutions in the kingdom. But here there is no such authority. There, there is not an institution which does not perpetually act under the control of a general law, extending throughout the empire. But here we have one thousand banks, scattered over our immense territory, and in twenty-six States, on which the General Government can exercise no effective control whatever. So that, even were it true that the British Government could dispense with the Bank of England, it would be far from proving that we could imitate her, when we consider that the local banks in this country are subject to twenty-six separate and independent Governments, over which we have no power to act.

We were told, and the country was promised, that on the destruction of the Bank of the United States we should be furnished with a better currency than we then enjoyed; a currency unrivalled on the face of the globe, which was under better regulation, and by which exchanges were effected at a cheaper rate than in any part of the earth. The paper of that bank had its credit established throughout the world. It was received in Asia; it was received all over Europe, and throughout this entire continent. Our exchanges were managed with an economy which we must all remember with regret at the change which has since taken place; for what is the state of our exchanges now? When they take place between distant places, the premium at the one end of the course ought to be met by the discount at the other end. But is that so? When a merchant at New York sells a bill on New Orleans at a discount, is that discount counterbalanced by the premium on a similar bill at New Orleans? No. A discount is charged at both ends of the line. And it often happens that at neither can you dispose of your bill without great difficulty and sacrifice.

I too, sir, am aware that we are surrounded with difficulties. In that I concur entirely with the Senator from Virginia; but my friends are not responsible for this state of things. You all know the reason of it. You all feel it every day. You know that we are in the midst of a dark and dense wilderness. Who is to be the Moses, whether from this side or the other of the Senate, (looking at the positions of the Senators from Virginia and Missouri,) that shall lead us to the promised land, is among those unknown things which the future alone can disclose.

And now I turn to the questions really before the Senate. I beg pardon for the digression into which I have been led in noticing the able and interesting speech of the Senator from Virginia; the gratification of hearing which I shared in common with the rest of the Senate. If, in noticing the few points with respect to which I differ from that honorable Senator, I have departed from the rigid regularity of debate, I must plead his example as my apology. What are the questions which we have to consider? In 1816, the condition of the country in regard to the currency was this: throughout all the country south of New England there was a general suspension of specie payments, and the bank notes in circulation were of different degrees of value, and, nevertheless, constituted the only medium in which the public dues were paid. The consequence was, that, instead of taxes having the uniform character required by the constitution, different parts of the country and different individuals paid the same tax in widely varying values. This was a condition which the country could not long bear, and the Government would have been wanting to every duty it owed to the community, had it tolerated such a state of things. For every body must agree that there is in reality no difference between exacting different rates of duty in different parts of the country, and requiring that the same rates shall be paid in media very different in value. Such was the state in which Congress found the country at the memorable session of 1816. The question was, what should be done? That voluntary action of the banks, which is the sole reliance of the Senator from Virginia, had been fully tried, and found wanting. There had been convention after convention of the banks, to try if they could not agree voluntarily to resume specie payments, but it was found impracticable to do so. Congress felt called upon to interpose, and two great and leading measures were devised, as presenting the only prospect of remedy. One was proposed, or, to speak more correctly, was espoused, by the Senator from South Carolina opposite, [Mr. CALHOUN,] (for it had originally been suggested by a late Secretary of the Treasury.) The other was brought forward by the Senator from Massachusetts, [Mr. WEBSTER.] One of these measures was the creation of a Bank of the United States. As there existed no paper medium of circulation on which the country could rely, the establishment of such a bank was supposed to be the only alternative left to the Government. It met with strong opposition, but was carried successfully through. It was apprehended, however, that this measure would be insufficient, unless it should be aided by another; and hence the resolution of the Senator from Massachusetts, which has repeatedly been alluded to in this debate, was introduced with a design of stimulating the restoration of specie payments, and remedying a state of things which was unjust and scandalous in the eyes of all commercial communities. That bank has been destroyed; and let me here say that I have not the least expectation of any effort being made by my friends to re-establish it. They have no such purpose. An experiment is now to be tried as to the power of local banks in meeting the wants of the community. Let those who are rashly trying the experiment be responsible for the issue. The resolution of my friend from Massachusetts was introduced simultaneously with the bill to incorporate the United States Bank. It was expected that the bank would go into operation early in the next year. The Secretary of the Treasury, by the resolution, was directed to take measures as soon as might be to insure the payment of all Government dues in four specified media, but the discretion intrusted to him was only to continue until the 20th of February following. After that day, no payment of public dues of any kind was to be permitted, save in one or other of the four media which had been specified.

Can any man look at that resolution at this day, and seriously entertain any doubt as to its true interpretation? The Secretary of the Treasury was immediately called upon to expound it; and an uninterrupted usage of twenty years, under succeeding Secretaries, has uniformly given to it the interpretation which it then received. It never was for a moment believed that it vested him with authority to require only specie, or to exclude entirely any of the four specified funds in payments to Government; that exposition was not interrupted for a moment by the act of 1820. I shall not

repeat the argument in regard to it. It accomplished, and was designed to accomplish, but one purpose, which was the abolition of the credit system in the purchase of the public lands, and the substitution therefor of payment in hand. It did not interrupt for a moment the continuous interpretation of the resolution of 1816—an interpretation which extended into three successive administrations, and through seven years of a fourth. Is it not too late, after this long adherence to one interpretation, to say that Congress has misunderstood it; that all the Secretaries have misunderstood it; and that your usage for such a course of years is at this late day to be surrendered as without a true foundation? It has been said that the resolution was restrictive. It was so in so far as it rejected the notes of non-specie-paying banks, but it was mandatory so far as it went to enumerate and specify the different media in which payment might be made. It was restrictive so far as bad notes were concerned, but it conferred a legal right on the payer to make, and a legal obligation on the receiver to accept, payment in one of the four several ways which the law provided. But if the Secretary of the Treasury had authority to select some and to reject others of these modes, then his rejection and selection must be applied universally. He has no right to discriminate between citizen and citizen. He has no right to say to the citizen of Boston, from you I will receive notes of the banks in Boston, but not of the Bank of the United States. Or to a citizen of New York, from you I will receive United States Bank bills, but not bills of the banks in Boston. No. If he had a right to say that either of the four kinds should be received in preference to the rest, he is bound to make that rule and that preference to reach every where throughout the country. But what does he do? He not only discriminates between different branches of the revenue, making regulations to apply to one branch which do not apply to the others, but, in reference to that one branch which is the subject of his order, he discriminates between different classes of individuals. I heard it contended by the Senator from North Carolina [Mr. STRANGE] that the exception in relation to actual settlers has now expired by its own limitation. True, sir; but if Congress rises and leaves this vast power in the hands of the Executive, how soon may the discrimination be revived? Unless this order shall be rescinded, will not the Executive draw his conclusions, from the silence of Congress, that it approves what he has done? And may he not suppose that he is authorized even to go farther, and carry down his principle of discrimination from classes to individuals?

I speak now of the question of power. Suppose the Secretary had reversed his rule—suppose he had said that the citizens of the States in which the land lies should have a right to purchase only with specie, while those who came from a distance might make their payment in notes. If he has absolute power over the subject, he might as well have made the one discrimination as the other. And he may not only discriminate between different classes of individuals, but between different places. I have been, indeed, informed that at one of the land offices specie, under the order, was not required. Where is this dispensing power? Where did the Secretary get it? Not from the words of the order, for that applies equally to all.

Sir, I have heard it contended for, again and again, and votes have been given recording such as the opinion of the majority of this chamber, that payment for the public lands is a tax on the community. I do not myself think so. But I put the question to those gentlemen who do, and I ask them how this order can be justified, if all taxes are required to be uniform? I come to the conclusion that its legality cannot be established, either under the joint resolution of 1816 or the law of 1820. It wants legal authority. It has on its very face all the air of executive legislation. It has a preamble setting forth the reasons which have led to its enactment. The Secretary who put it forth seems strongly to have felt the necessity of sheltering himself under the invulnerable name of his chief. But were there even authority for the order in the letter of the law, I should still argue against its gross injustice in practice.

And this brings me now to inquire, what has been the effect of this order, in its actual operation on the community? The order professes to proceed on the principle that the public lands are sold for a valuable consideration, if payment be made in bank notes, and that specie alone can constitute a just equivalent for their value. And I admit that if the Secretary had gone on to provide that the specie thus received should be the property of the Government, there would at least have been consistency in the course he adopted. But the moment the order appeared, there was an instant pressure for specie, especially in the West and Southwest. The banks were called upon, and specie in all quarters was put in requisition, for the purpose of paying for the public lands. The pressure upon the banks in Kentucky was great. Gentlemen talk to us about the inconsiderable amount that has been received, which is stated at $1,800,000, exclusive of $300,000 more, which was placed on deposite at Washington, and the certificates of which were received as cash; say, in round numbers, two millions of dollars. It is very true that this amount was not great, but the argument drawn from it is not a fair one. We must recollect that when the operation commenced no one knew what was to be its extent. No individual bank could possibly tell, and each was left in total uncertainty as to what would be required of them. The banks could not foresee that no more than two millions of dollars would thus be drawn from them. If they had known this beforehand, they might have made their arrangements to meet it. But on all the banks of the West and of the Southwest daily demands were made for specie. There was, at once, not only a cessation of discounts, and the purchase of bills of exchange, but the banks made heavy calls upon their debtors. This state of things operated with peculiar severity on the West. It happened just about the time when our people begin to carry their live stock to market. The ordinary course of the trade is this: They draw bills upon themselves, or on their friends, at the markets to which they are destined, which are discounted by the bank, and with the proceeds of which they purchase their stock, and meet their engagements. No business with us is more beneficial to all parties. The purchaser of stock diffuses money through the community, and on reaching the market he makes his sales, and is thus enabled to pay the bills which he had drawn. All this was immediately interrupted, in consequence of this Treasury order; for how could the banks venture to discount, with such an order hanging over their heads? If they purchased bills, the operation was equivalent to a disbursement of so much specie; for if they paid in these notes, they immediately returned upon them for specie. The Senator from Virginia has told us about the effect of the course pursued by certain collectors in Ireland, in refusing to receive in payment the notes of Irish banks. What was that consequence? The stoppage of the Bank of Dublin and its branches. Nor could that gentleman have pronounced a more severe condemnation of the order than by the example which he quoted from the kingdom of Ireland. The banks, as I have said, were run upon. Individuals who possessed specie were unwilling to part from it, and reserved it for investment in the public lands. And there was a general accumulation, for the purpose of paying it into the land offices. Well, sir, it was carried to the land offices; and when it got

there, whose was it? What became of it? Was it the property of the Government? No, sir. Did you get it? No, sir. It was carried to the deposite banks, and there it was credited as so much money to the Government. The whole transaction, therefore, amounted to this: you forced all the purchasers of the public land to become collectors of specie for the deposite banks. The money was not collected for the Government. You cannot call for it. It is the property of those banks, to be used as they please. You have refused to credit banks for the notes they issued; you have occasioned all this vast inconvenience; and, finally, instead of getting the specie which you have been at so much trouble to collect, you get nothing but bank credits.

The money was transported from the seaboard, from the Western and Southwestern banks, from the theatres of business, where it might have been constantly and advantageously used, and taken into the interior, to banks of very limited business. And even there they were afraid to use it, lest it might be suddenly called for. The difference of the two operations, before and after the order, is this: Before the order, purchasers of the public lands paid for them in bank notes, convertible into specie; after the order, they paid for them in specie, converted into bank credits. It was just reversing the order of things. You began with paper, and obtained specie if you wished it; but under the order you began with specie, and obtained only bank credits. The practical effect throughout all the Western and Southwestern States has been to make all the interests of society collectors of specie for the benefit of the deposite banks, without the least benefit whatever to the Government; for these banks were not required to preserve the specific specie, and pay it over to the Government. Such was the demand for specie under this order, that I have heard of as much as 40 per cent. being given for gold to carry to the land office, and in some instances specie has been transported to the land offices, to be sold there as a marketable commodity. The order had a double effect. It withdraws specie both from circulation and from the banks that could use it for the benefit of the community, that it may perform the unprofitable circuit of being taken to the land offices, and thence back to the banks, when it becomes their property.

Sir, what offence have the Western and Southwestern States committed, that they are to be subjected to an indignity which is not inflicted on the rest of the community? Why are we to pay our dues to the Government in specie, while the rest of our fellow-citizens are allowed to pay in bank notes? Even if there were authority for it in the law, the requisition would not be according to justice or equity. And all sentiments of fraternal regard, as well as all principles of equality, cry aloud against such revolting distinctions. Why are our banks and our people alone to be be subjected to this rule? I protest, most solemnly, on behalf of my constituents, against so disgraceful an inequality; and I call upon the Government either to carry out their hard-money system every where, at the custom-houses as well as the land offices, or efface from its records a discrimination which cannot continue a day or an hour without dishonor and degradation.

The honorable Senator from Virginia tells us that the measure is temporary. I wish he had made it out, or could do so now. How is it temporary? On its face? No, sir. It has just began its wide-sweeping ruin. It began on the 15th of August, and it tolerated for a time the exercise of some indulgence. Its full operation only commenced on the 15th of December, 1836, and there is nothing in its terms that looks like a temporary provision. There is nothing in the President's message, or in the report of the Secretary, which announces to a suffering community that the heavy burden imposed upon them will not continue long. It may suit the purposes of the Senator from Virginia so to represent it. It may not be agreeable to him to be seen at open war with a measure of the administration; but there is nothing in the terms of the order, and nothing in the policy on which it rests, which is temporary in its character. No, sir. Let Congress adjourn, and leave on the Western States this invidious, this unjust and degrading discrimination in the payment of common dues to a common Government, and, my word for it, this order will not only be continued, but it will carried farther, and other discriminations will be made, under your alleged sanction, to suit the varying views of the administration. Sir, give us equality. We are a common crew in the same noble, the same glorious ship of state. Is it not right that we should all be placed under the same common laws, and share alike the common justice of our country? I protest against the continuance for an hour of an iniquitous order, which subjects the Western and Southwestern portions of this Union to a rule so irreconcilable with any principles of justice or equity.

My friend from Ohio, who sits near me, [Mr. EWING,] has offered this resolution, which abolishes this odious distinction, and places all parts of the community, and every branch of the revenue, upon a footing of perfect equality.

But it is said we ought not to do this; and if we do it it will imply censure. And the Senator from North Carolina, [Mr. STRANGE,] at a loss to make out a censorious charge from the words of the resolution itself, resorts to the language of a Senator to supply the deficiency. Sir, if we repeal the statute of a Legislature, does it imply censure on the Legislature? May we not repeal a statute of our own, and yet fix no stigma on our former deed? May we not, then, rescind an order or edict of executive authority, without any such implication? Has it come to this, that a mere difference of opinion is censure? Are we to be afraid to express our sentiments of a public measure, lest, peradventure, we wound the feelings of the Chief Magistrate or the Secretary of the Treasury? Sir, I have been struggling, associated with my friends, for a long time, against the complete ascendency of executive power; and we have sometimes been encouraged by a momentary hope of being able to arrest its lawless career. But, sir, its march has been steady, onward, and, I lament to say, triumphant. It is now practically the supreme power in the State. Every branch of the Government bends beneath its sway. The doctrine of unity in the executive administration, recently introduced; the obedience which, in pursuance of it, is exacted from all executive officers, from the highest to the lowest; the practice of proscription of all who do not conform to the prevailing creed, with the kindred usage of profuse official and other rewards to all who do, often without regard to character, integrity, or merit, and the exercise of boundless power over the public treasure, and by means of a concealed, mysterious, and irresponsible agency over the banks in which it is deposited, have stamped a totally new character upon the Government. It has become a vast organized machinery, controlled by the will of one man, and moved by a single hand. It is a monarchy in disguise, with fewer privileges practically enjoyed than are exercised in some monarchies. There, acts of the Crown may be exposed, censured, denounced, corrected, by the power of Parliament. But here we are not to complain of or remonstrate against executive acts. We must not presume to censure them. We must bear, in silent and dutiful submission, whatever ills the acts of the Executive may bring on the country. Or, if we attempt any corrective, we must graciously suppose that we are not going counter to the executive will, and by a fiction convert a permanent measure into a temporary order!

When, Mr. President, shall we get back to the good old times, when a President of the United States never stepped out of his own sphere to assume powers not granted to him, or to control the discharge of duties specially assigned to subordinate officers? As to this Treasury order, I do not view it as an act of the Secretary. It has his hand, but not his heart—not his mind. From the face of the order itself, I should draw the conclusion that he has been the unwilling executor of the bidding of another. Like its prototype, employed for the removal of the deposites, it is an act of the executive will, directly against the will of the officer particularly charged with a public duty. But, unlike that case, the Secretary clings closely to his office, and, rather than part with it, executes the arbitrary command of his master. He does not choose, with a manly independence, to sacrifice his place and preserve his character. And I understand that this order has been issued, not only against the judgment and feelings of the Secretary, but of the whole cabinet. I have heard so, and I believe it. There are those here who do know, and who, if I err, can contradict me. But I believe it. And now, when we undertake to examine the order, and confront it with the law, we cannot touch it. We may not repeal an executive order, because, forsooth, to do so casts a censure on the Executive. Why, sir, if the honorable Senator from Virginia is unwilling to throw censure on the Executive, he should have forborne the delivery of his able and eloquent speech. That whole speech, from beginning to end, was directed against that order, which he says we must not repeal, lest we censure the President. Why, sir, if that is his ground, he should have withheld his amendment; for what, after all, is the difference, in effect, between the resolution of the Senator from Ohio and the amendment of the Senator from Virginia? The Treasury order is now in full operation. And what is the proposal of my friend from Ohio? To rescind it in terms. His language is open, direct, manly, but not offensive. But the Senator from Virginia cannot agree to the proposal. Well, sir, and what does he do in his amendment? He avoids, to be sure, the word "rescind," but he rescinds the order just as effectually as the Senator from Ohio. I am quite sure that my friend from Ohio intended nothing offensive in the resolution offered by him. He thought that, without offence, the poor privilege might still be left to us of repealing our own acts, expressing our own opinions, and even of repealing executive acts, when we deemed that the good of the country requires it. It appeared to him to be the most direct and manly course, if we meant to repeal the order, that we should say so. He added, it is true, another resolution; but I am willing, on behalf of my friend, that the first resolution should be abandoned altogether, and the last alone adopted. That will sufficiently accomplish our purpose, and accommodate the measure to the delicate and nervous sensibility of any friend of the administration. That is all concerning which I feel any solicitude, and with this I will be content. All we seek is, that an end shall be put to this invidious and disgraceful discrimination.

But it is said that there will be great difficulty in adopting this course; and the Senator from Virginia has accordingly guarded his amendment by the addition of a proviso, which goes to make the amendment authorize the reception only of such notes as the deposite banks shall be willing, under the direction and supervision of the Secretary of the Treasury, to receive, and to credit to the United States as cash. Though I admit that the operation may be attended with great difficulty, yet I cannot think it insuperable. What was the ground on which the first Secretary of the Treasury received bank notes for the duties due to Government? The ground was this: that the bank notes of specie-paying banks are equivalent to specie, being in fact the representatives of specie. Bank notes of such banks are nothing more than so much told or counted specie; and they are so received. This was the principle on which Mr. Hamilton proceeded. It was a convenient arrangement, and is attended with no risk, so long as the bills are convertible at pleasure into that which they represent. The Secretary could stop whenever he pleased. It saved much time; it was one of the greatest of time-saving machines. It was like paying a sum of money by the check of an individual upon his bank. That is not "paper money." Your creditor or the Government collector calls upon you with a demand, and you draw your check for the amount; when presented at bank it is instantly paid or passed to your credit. Such a check is equivalent to the specie it will command. Such representatives of specie ought to be received in payment of all Government dues; and there should be no discretionary power of refusing them, either by the collectors or the deposite banks. The result, then, to which I would come, is the adoption of this rule, viz: that when a bank note is presented to a collector in payment of a debt to the Government, if, at the place where such payment is made, it is at par, that is, equal to so much specie, the collector shall be obliged to receive it; if it is not, then he shall be at liberty to reject it. If the note is not what it purports to be, the representative of specie to the amount on the face of it, then there ought to be no obligation to take it. The place of payment is what I would adopt as the test of all bank notes offered to us. If they are equal to specie there, they ought to be received. It may be said that the effect of such a rule will be to accumulate large sums of money at places where the Government does not need them; and thus subject it to the expense of transporting them to where they are required. But to test this objection, we have only to look back for a moment to the hard-money system, and inquire, what would be the state of things if specie alone should be received. Would not that plan accumulate in the banks of the Western and Southwestern States vast amounts of gold and silver? And what is the Government to do with it? It is not needed there, and it would have to be transported at the expense of Government to where it is needed. So that my plan requires the transportation of a packet of bills, where that would require the transportation of a wagon load of specie. I think that the plan of making bank notes at par at the place of payment the test of the receivability of paper will save time, and have quite as good effect as the requisition of gold and silver.

I object to the amendment of the Senator from Virginia chiefly on account of its last clause. As to that part of it which requires the suppression of small notes, (though I believe that, in practice, it will prove perfectly nugatory, that it will effect just nothing,) I am quite willing to indulge him with the experiment. Nothing, I am persuaded, will come out of it; but try it. But the last clause of his amendment says that no notes shall be received which the deposite banks are not willing to receive and credit to the United States. He adds, to be sure, that this shall be under the supervision and control of the Secretary of the Treasury. Such a provision leaves the whole country in total uncertainty. Nobody can know to-day what is to be the rule to-morrow. And as to the added clause, it will, in practice, make no difference; without it, the whole matter would have depended on the mere pleasure of the deposite banks; and with it, should the Secretary occasionally revise the proceedings of those banks, he will still be governed by the wishes of the deposite banks. I object to the intrusting of such a power either with the Secretary or with the deposite banks. It places that which should be fixed,

and regulated by a known law, at the mere mercy and good pleasure of the banks or the Secretary. But if he will insert in his amendment a clause making the place of payment the test of the notes, we shall then have some rule which all can understand. All parties concerned will know whether the notes offered are at par at the place where payment is made. But, otherwise, no one can know but the Secretary, or the banks may put down to-morrow the notes which, under their auspices, he has received to-day.

I fear, Mr. President, I have forfeited the good opinion I endeavored to conciliate when I began; but I have now done. All we desire is, that something efficacious shall be done; that the session shall not be suffered to pass without the Treasury order being rescinded, either expressly or by implication; and I will now conclude by expressing my hope that, in every portion of the Senate, there will be found a disposition to extend equal and impartial justice to all parts of the country, without any degrading discriminations between one part and another, or one class of citizens and another.

Mr. RUGGLES rose only to correct an error into which the honorable Senator from Kentucky had fallen, no doubt inadvertently. He had mentioned the circumstance of Maine's having imposed restrictions upon the circulation of small notes, and remarked that, if he had not been misinformed, she immediately after sent to Massachusetts to obtain a supply of small notes, to put in circulation in room of those prohibited. He begged leave to assure the Senator that he had been greatly misinformed. He had been led into a great mistake in this matter. Maine had, it is true, passed a law prohibiting the circulation of small bills, but it is not true that she had sought a supply of them afterwards from Massachusetts or elsewhere. The political friends of the Senator from Kentucky in Maine very warmly opposed the measure in the Legislature, and it may be that they carried their opposition beyond the passage of the law, and sent to their friends in Massachusetts for a supply of those small bills to which they were so much attached. But he repeated that it was a mistake that such a course could be justly chargeable to the Government of the State.

Mr. CLAY explained. He did not mean to be understood as charging the Government of Maine, nor any political party there, with having sent out of the State for small notes. It might have been the act of individuals. He only mentioned the circumstance, as showing that the law could not be executed, &c.

Mr. RUGGLES replied that he had no objection to make to the remark, if the Senator would confine it to his own political friends. But he did object to the imputation of such inconsistency upon the Government of the State, or upon the friends of the administration, who participated in the action of the Government on that subject.

Mr. NILES moved to refer the whole subject to the Committee on Public Lands, and, in connexion with some desultory remarks, urged the great and growing importance of the subject, as demanding such a reference.

Mr. CALHOUN briefly characterized the Treasury order as unconstitutional, without law, without precedent, without any authority whatever. Its temporary character, under which refuge had recently been taken, was nowhere to be seen; on the contrary, it still continued in force, when the Executive himself ought to have repealed it, if it had been temporary. If it should be now referred, he could see no reason for referring it to the Committee on Public Lands. It partook wholly of a financial character, and its proper reference was, therefore, to the Committee on Finance. Mr. C. said he depended on the action of that committee whether there should be a recurrence of that state of things in the ensuing year, as well as the past, which had been used as a pretext for the Treasury order. That state of things, he urged, depended entirely on an accumulation of the surplus in the deposite banks, where it would not remain for nothing, but would be employed, as it had been, in speculating on the public lands. To the Committee on Finance he also looked for a reduction of duties, if that should be adopted as a preventive. The whole subject properly belonged to that committee, to which Mr. C. would move to refer it, if the motion of Mr. NILES should fail.

Mr. BLACK opposed the reference. Much time had already been consumed in debating all the questions immediately involved, and all having any relation to it. It was time for action. He was prepared to vote. He had no hesitation in saying that he considered the Treasury order illegal and highly impolitic. It was a question in which his constituents were deeply interested, laboring, as they were, under the embarrassments arising from this executive law or order. It had been intimated by the Senator from Connecticut [Mr. NILES] that this measure was to be delayed by the committee, to see the result of other measures. Deeming, therefore, prompt action necessary to relieve the people of the State he in part represented, and considering this motion for reference one of delay, he asked the privilege of recording his vote against it, and asked the yeas and nays. He was for action.

Mr. CLAY said he concurred entirely with the Senator from Mississippi. All the propositions before the Senate were simple, and easily understood. He hoped the subject would not be referred at all.

Mr. TIPTON also opposed any reference. Half the session was now nearly gone, and the subject had been well debated. He deemed it very important to his constituents and the community that all doubt on this subject should be removed as soon as possible.

Mr. WEBSTER briefly urged that, if a reference should be made at all, it ought to be made to the Committee on Finance.

The question was then taken on Mr. NILES's motion, and decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Niles, Page, Rives, Robinson, Ruggles, Strange, Tallmadge, Walker, Wall, White, Wright—22.

NAYS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Hendricks, Kent, Knight, Moore, Nicholas, Prentiss, Preston, Robbins, Sevier, Swift, Tipton, Tomlinson, Webster—19.

So the whole subject of the Treasury order of July, 1836, was referred to the Committee on Public Lands.

After a short executive session, the Senate adjourned.

THURSDAY, JANUARY 12.

THE SURPLUS REVENUE.

After disposing of the usual morning business,

Mr. CALHOUN moved to postpone the previous order, for the purpose of taking up the bill to renew in part the deposite bill of the last session.

Mr. GRUNDY observed that the special order of the day was the bill to regulate the sales of the public lands, and it seemed to him that that bill had better be disposed of first; for if it were passed in any shape there would be a great reduction of the public revenue, and no occasion for dividing a surplus. It seemed to him proper to take up and dispose of this bill, or indeed of any other which looked to a reduction of the revenue, and they could then see whether there would be a surplus in the way contemplated by the Senator from South Carolina.

Mr. CALHOUN expressed his acquiescence in the course proposed by the Senator from Tennessee. He said that he should be much governed in the course he should pursue, not only by what was done in regard to the honorable Senator's bill, but also the action of the Committee on Finance. He (Mr. C.) was anxious to see what they intended to do in the way of a reduction. He wished to know from the chairman of that committee, whether they proposed making a report on that subject; and if so, at what time. He desired to make the action on his own bill subordinate to that on the land bill, and to the report of the Committee on Finance.

Mr. WRIGHT replied, that ever since the reference of this subject to the Committee on Finance, it had not, at any time, escaped their attention. The committee were proceeding with it as rapidly as they could obtain information to govern their action; but it was impossible for them to say at what time they would be able to come to a conclusion, or for him to say when they would make a report. This very day they had had the subject under consideration, and had obtained some information with regard to it. He could assure the Senate that every member of the committee was exceedingly anxious to make a speedy report.

Mr. CALHOUN observed that he would be willing that the subject should be postponed to this day week. He wished for all the information possible, and greatly preferred a reduction of the revenue to depositing the surplus with the States. All gentlemen should have a fair opportunity of examining the subject. He must say that, when he looked at the state of things here, he felt but very little faith that a reduction would be made this session, as the time had now so far advanced that there would scarcely be an opportunity of acting on the subject. He had made a call upon the Secretary of the Treasury some days since, by resolution, requesting him to furnish some valuable information which we wished to be in possession of before the committee reported; but that information had not yet been received by the Senate; he trusted it would be at an early day.

The consideration of the bill was postponed, by general consent, to this day week.

THE PUBLIC LANDS.

The bill to limit the sales of the public lands, except to actual settlers, and in limited quantities, having been announced as the order of the day--

Mr. CLAY expressed the hope that a bill of this importance would not be taken up at this time. The bill proposed an entire change in the whole land system of the country, and it so happened that, by the organization of the Committee on Public Lands, the only member opposed to the bill was absent. He did not think that the Senate ought to take up a bill of such importance in the absence of a member of the Land Committee who possessed so much valuable information, and was so intimately acquainted with the subject. He believed that the Senate would derive great aid in their deliberations on the subject from the experience of that gentleman; and as other subjects of importance demanded the attention of the Senate, he hoped some one of them would be taken up, and the bill for the present postponed. Mr. C. alluded to the illness of the lady of the Senator from Ohio, as the cause of that gentleman's absence, and stated that, from information lately received by him, he had reason to believe that he would be in his seat in the course of a few days.

Mr. WALKER hoped the motion would not prevail. About half of the session had now passed away, and consequently there was no time to lose. This bill was one which would be debated, and opposed at every point; and, judging from the sentiments to which the honorable Senator [Mr. CLAY] had given utterance, he presumed that there would be no want of opposition to the bill, notwithstanding the gentleman from Ohio [Mr. EWING] might be absent.

There were many gentlemen in that body and the House of Representatives, who were desirous that this subject should be disposed of as speedily as possible; and if the bill should be postponed to this day week, it could not, for want of time, be passed at the present session. He felt the deepest conviction that the subject should be acted upon without delay, and therefore he felt it his duty to oppose the motion of the gentleman from Kentucky. With regard to the melancholy event which had called away the Senator from Ohio, he would state that he had seen a paragraph in the National Intelligencer of yesterday, stating that that member of the Senator's family who was said to be dangerously ill had entirely recovered; and he (Mr. W.) considered that ample time had elapsed since the gentleman left the city for his return to it. Mr. W. concluded by expressing his hope that the motion of the Senator from Kentucky would not prevail.

Mr. CALHOUN regretted to hear that the chairman of the committee intended to go on with the bill. He had not the slightest idea that it would be taken up so soon, and had not, therefore, given any examination to the subject of it; he had not even had time to read the bill itself. He deemed it to be one of the most important subjects that could engage the attention of Congress, not only as regarded the revenue, but as it regarded the future policy of the country; and he hoped the Senate would not go on with it until every member had had an opportunity of obtaining all the information necessary to a full understanding of the subject. He himself wished time for an examination, the better to enable him to understand the arguments that might be used either for or against the measure, and therefore proposed that the subject be postponed till Monday next.

Mr. BUCHANAN said: For one, I should be very unwilling to pursue any course which would prevent the Senator from Ohio from speaking on this subject; and so far as my vote is concerned, if he returns in any reasonable time, I shall hear him. But this is a very important subject indeed. I feel the importance of it as much as the gentleman from South Carolina. And it is for that very reason I wish to hear the views of the chairman of the Committee on Public Lands.

Let the honorable chairman proceed to-day, and give his views; and, so far as respects my individual vote, I will agree to postpone the consideration of the bill till Monday morning, and take such a course in regard to it as may be satisfactory to all parties.

Mr. BENTON wished to say to the Senate that there was now one half of a short session gone, and that it would be impossible for them, if they wished the business to progress, to go on as they had heretofore done; that is, to take up a subject, hear a speech on it, and adjourn at 3 o'clock, and so go on from day to day. He was fully aware of this at the commencement of the session, and therefore, in his first speech, he refused to adjourn, and preferred rather to omit some things that he wished to say than to consume two days with one speech. The rule which he had thus laid down for himself he wished to see applied to all, and when a subject is taken up, he wished to go on with it like business men.

He would be willing to come early in the morning, and sit late in the evening; but he could not give his consent to the delay of business by taking up a subject, hearing one speech on it, and then laying it over. He would remind these gentlemen, who were the friends of the administration, that they not only had the numerical strength, but the organization of the committees in their favor, and therefore that it was incumbent on them to see that the business was carried on without delay. Last

session, though they had the numerical strength in their favor, yet the organization of the committees was against them; and when the question was asked, why the business of the Senate did not go on, they could readily answer, that this organization of the committees deprived them of the control of the business. But now, when the friends of the administration had every advantage in their favor, when the question should be asked, why the business of the Senate did not go on, the public might draw what inference it pleased.

Mr. CALHOUN remarked, that as one of the opposition, and being desirous of as little delay as possible, still he would tell gentlemen on the other side that he would afford them every opportunity of discussing the subject. But whilst he said this, he claimed from the majority that they should hear gentlemen of the opposition patiently, and give a reasonable time for discussion. He would not have asked the delay of one day, had it not been absolutely necessary; and he was not disposed to allow so important a subject as the present to be hurried through the Senate without bestowing on it all the attention it deserved.

Mr. BENTON said that he would sit there early and late; and no gentleman should be deprived by his vote of proceeding in the transaction of the public business. He wished gentlemen to go on, keep moving.

Mr. BUCHANAN observed that he was a member of the party friendly to the present administration, and that he felt the responsibility of his situation just as much as the honorable Senator from Missouri did; and, so far as regarded himself, he, for one, need not be reminded of his duty. He was responsible for it. In regard to this bill to regulate the sales of the public lands, he considered it a most important measure. He did not know how he should vote on it. He knew the evils of speculating in the public lands, and wished much to put them down, but he wished to put them down with care. There were interests of his constituents involved; farmers who go to the West to purchase lands to make a provision for their children, (and he considered this description of persons the most desirable settlers on the public lands;) and those interests he should take care to see attended to, so far as his vote was concerned.

He wished to hear the member from Mississippi, because he knew that he should derive much valuable information from him; and then he, for one of the friends of the administration, should take the responsibility of voting for such a reasonable postponement as would allow other gentlemen an opportunity of giving their views. He had no objection to a postponement till Monday next.

Mr. KING, of Alabama, expressed the hope that the postponement might not be quite so long as the gentleman from Kentucky [Mr. CLAY] wished. He was willing to give a reasonable time, in order that gentlemen might be prepared to express their opinions on this very important subject. This was confessedly known on all hands to be a most important bill—one that required to be examined with care, and amended in a way that would give every interest in the country its fair proportion of the public domain, as far as practicable. Now, he was one of the Committee on the Public Lands, and he had concurred in reporting this bill, but it had some defects, and it was brought forward with the hope that, by a full discussion in the Senate, sufficient light would be thrown on the subject to render it as perfect as the nature of it would permit. He was disposed to give the Senator from Ohio, [Mr. EWING,] who was known to be in opposition to the bill, and to all other gentlemen who were anxious to speak on it, a full opportunity of being heard; and he, for one, as a friend of the administration, thought that in all matters of legislation there should be a sufficient and a perfect understanding of the subject. This was necessary, if they wished the business to be well done. If the chairman of the committee wished to go on to-day, let him (said Mr. K.) go on, and then, by a postponement, give a reasonable time to other gentlemen who wished to be heard on the subject. This indulgence, though a member of the majority, he would never hesitate to give.

Mr. CLAY said, that although he should prefer that the Senator from Ohio had been present to hear the exposition of the Senator from Mississippi, [Mr. WALKER,] yet, after the manly and independent sentiments he (Mr. C.) had heard expressed by the Senator from Pennsylvania and the Senator from Alabama, he would not hesitate to withdraw his motion. Under all the circumstances, if the Senator did not see the propriety of a postponement till Monday, perhaps he would go on with his remarks.

Mr. WALKER, after some remarks, then submitted an amendment from the Committee on Public Lands, which was ordered to be printed with the bill; and the further consideration of the subject was postponed till to-morrow.

EXPUNGING RESOLUTION.

The Senate proceeded to the consideration of the special order, the expunging resolution of Mr BENTON:

Resolution to expunge from the journal the resolution of the Senate of March 28, 1834, in relation to President Jackson and the removal of the deposites.

Whereas on the 26th day of December, in the year 1833, the following resolve was moved in the Senate:

"*Resolved*, That by dismissing the late Secretary of the Treasury, because he would not, contrary to his own sense of duty, remove the money of the United States in deposite with the Bank of the United States and its branches, in conformity with the President's opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States not granted him by the constitution and laws, and dangerous to the liberties of the people;"

Which proposed resolve was altered and changed by the mover thereof, on the 28th day of March, in the year 1834, so as to read as follows:

"*Resolved*, That, in taking upon himself the responsibility of removing the deposite of the public money from the Bank of the United States, the President of the United States has assumed the exercise of a power over the Treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people;"

Which resolve, so changed and modified by the mover thereof, on the same day and year last mentioned, was further altered, so as to read in these words:

"*Resolved*, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both;"

In which last-mentioned form the said resolve, on the same day and year last mentioned, was adopted by the Senate, and became the act and judgment of that body, and, as such, now remains upon the journal thereof:

And whereas the said resolve was not warranted by the constitution, and was irregularly and illegally adopted by the Senate, in violation of the rights of defence which belong to every citizen, and in subversion of the fundamental principles of law and justice; because President Jackson was thereby adjudged and pronounced to be guilty of an impeachable offence, and a stigma placed upon him as a violator of his oath of office, and of the laws and constitution which he was sworn to preserve, protect, and defend, without going through the forms of

an impeachment, and without allowing to him the benefits of a trial, or the means of defence:

And whereas the said resolve, in all its various shapes and forms, was unfounded and erroneous in point of fact, and therefore unjust and unrighteous, as well as irregular and unauthorized by the constitution; because the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve; nor in taking upon himself the responsibility of removing the deposites, as specified in the second form of the same resolve; nor in any act which was then, or can now, be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and constitution, or dangerous to the liberties of the people:

And whereas the said resolve, as adopted, was uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and constitution, and assuming ungranted power and authority in the late executive proceedings in relation to the public revenue; without specifying what part of the executive proceedings, or what part of the public revenue, was intended to be referred to; or what parts of the laws and constitution were supposed to have been infringed; or in what part of the Union, or at what period of his administration, these late proceedings were supposed to have taken place; thereby putting each Senator at liberty to vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the Senate's judgment to be guessed at by the public, and to be differently and diversely interpreted by individual Senators, according to the private and particular understanding of each, contrary to all the ends of justice, and to all the forms of legal or judicial proceeding; to the great prejudice of the accused, who could not know against what to defend himself; and to the loss of senatorial responsibility, by shielding Senators from public accountability for making up a judgment upon grounds which the public cannot know, and which, if known, might prove to be insufficient in law, or unfounded in fact:

And whereas the specification contained in the first and second forms of the resolve having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications, and the same having been actually withdrawn by the mover in the face of the whole Senate, in consequence of such objection and belief, and before any vote taken thereupon; the said specifications could not afterwards be admitted by any rule of parliamentary practice, or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were thus withdrawn; and, if they could be so admitted, they would not be sufficient to sustain the charges therein contained:

And whereas the Senate being the constitutional tribunal for the trial of the President, when charged by the House of Representatives with offences against the laws and the constitution, the adoption of the said resolve, before any impeachment preferred by the House, was a breach of the privileges of the House, not warranted by the constitution; a subversion of justice; a prejudication of a question which might legally come before the Senate; and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence:

And whereas the temperate, respectful, and argumentative defence and protest of the President against the aforesaid proceeding of the Senate was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its journal or printed among its documents; while all memorials, petitions, resolves, and remonstrances against the President, however violent or unfounded, and calculated to inflame the people against him, were duly and honorably received, encomiastically commented upon in speeches, read at the table, ordered to be printed with the long list of names attached, referred to the Finance Committee for consideration, filed away among the public archives, and now constitute a part of the public documents of the Senate, to be handed down to the latest posterity:

And whereas the said resolve was introduced, debated, and adopted, at a time and under circumstances which had the effect of co-operating with the Bank of the United States in the parricidal attempt which that institution was then making to produce a panic and pressure in the country; to destroy the confidence of the people in President Jackson; to paralyze his administration; to govern the elections; to bankrupt the State banks; ruin their currency; fill the whole Union with terror and distress; and thereby to extort from the sufferings and the alarms of the people the restoration of the deposites and the renewal of its charter:

And whereas the said resolve is of evil example and dangerous precedent, and should never have been received, debated, or adopted, by the Senate, or admitted to entry upon its journal: Wherefore,

Resolved, That the said resolve be expunged from the journal; and, for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript journal of the session 1833-'34 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: "Expunged by order of the Senate, this —— day of ——, in the year of our Lord 1837."

The resolution and preamble having been read, Mr. BENTON rose and said: Mr. President, it is now near three years since the resolve was adopted by the Senate, which it is my present motion to expunge from the journal. At the moment that this resolve was adopted, I gave notice of my intention to move to expunge it; and then expressed my confident belief that the motion would eventually prevail. That expression of confidence was not an ebullition of vanity, or a presumptuous calculation, intended to accelerate the event it affected to foretell. It was not a vain boast, or an idle assumption, but was the result of a deep conviction of the injustice done President Jackson, and a thorough reliance upon the justice of the American people. I felt that the President had been wronged; and my heart told me that this wrong would be redressed. The event proves that I was not mistaken. The question of expunging this resolution has been carried to the people, and their decision has been had upon it. They decide in favor of the expurgation; and their decision has been both made and manifested, and communicated to us in a great variety of ways. A great number of States have expressly instructed their Senators to vote for this expurgation. A very great majority of the States have elected Senators and Representatives to Congress, upon the express ground of favoring this expurgation. The Bank of the United States, which took the initiative in the accusation against the President, and furnished the material and worked the machinery which was used against him, and which was then so powerful on this floor, has become more and more odious to the public mind, and musters now but a slender phalanx of friends in the two Houses of Congress. The late presidential election furnishes additional evidence of public sentiment. The

candidate who was the friend of President Jackson, the supporter of his administration, and the avowed advocate for the expurgation, has received a large majority of the suffrages of the whole Union, and that after an express declaration of his sentiments on this precise point. The evidence of the public will, exhibited in all these forms, is too manifest to be mistaken, too explicit to require illustration, and too imperative to be disregarded. Omitting details and specific enumeration of proofs, I refer to our own files for the instructions to expunge—to the complexion of the two Houses for the temper of the people—to the denationalized condition of the Bank of the United States for the fate of the imperious accuser—and to the issue of the presidential election for the answer of the Union. All these are pregnant proofs of the public will; and the last pre-eminently so—because both the question of the expurgation and the form of the process were directly put in issue upon it. A representative of the people from the State of Kentucky formally interrogated a prominent candidate for the presidency on these points, and required from him a public answer, for the information of the public mind. The answer was given, and published, and read by all the voters before the election; and I deem it right to refer to that answer in this place, not only as evidence of the points put in issue, but also for the purpose of doing more ample justice to President Jackson, by incorporating into the legislative history of this case the high and honorable testimony in his favor of the eminent citizen who has just been exalted to the lofty honors of the American presidency:

"Your last question seeks to know 'my' opinion as to the constitutional power of the Senate or House of Representatives to expunge or obliterate from the journals the proceedings of a previous session.

"You will, I am sure, be satisfied, upon further consideration, that there are but few questions of a political character less connected with the duties of the office of President of the United States, or that might not with equal propriety be put by an elector to a candidate for that station, than this. With the journals of neither House of Congress can he properly have any thing to do. But as your question has doubtless been induced by the pendency of Colonel Benton's resolutions to expunge from the journals of the Senate certain other resolutions touching the official conduct of President Jackson, I prefer to say that I regard the passage of Colonel Benton's preamble and resolutions to be an act of justice to a faithful and greatly injured public servant, not only constitutional in itself, but imperiously demanded by a proper respect for the well-known will of the people."

I do not propose, sir, to draw violent, unwarranted, or strained inferences. I do not assume to say that the question of this expurgation was a leading or a controlling point in the issue of this election. I do not assume to say, or insinuate, that every individual, and every voter, delivered his suffrage with reference to this question. Doubtless there were many exceptions. Still, the triumphant election of the candidate who had expressed himself in the terms just quoted, and who was, besides, the personal and political friend of President Jackson, and the avowed approver of his administration, must be admitted to a place among the proofs in this case, and ranked among the high concurring evidences of the public sentiment in favor of the motion which I make.

Assuming, then, that we have ascertained the will of the people on this great question, the inquiry presents itself, how far the expression of that will ought to be conclusive of our action here. I hold that it ought to be binding and obligatory upon us; and that, not only upon the principles of representative government, which require obedience to the known will of the people, but also in conformity to the principles upon which the proceeding against President Jackson was conducted, when the sentence against him was adopted. Then, every thing was done with especial reference to the will of the people. Their impulsion was assumed to be the sole motive to action, and to them the ultimate verdict was expressly referred. The whole machinery of alarm and pressure, every engine of political and moneyed power, was put in motion, and worked for many months, to excite the people against the President, and to stir up meetings, memorials, petitions, travelling committees, and distress deputations, against him; and each symptom of popular discontent was hailed as an evidence of public will, and quoted here as proof that the people demanded the condemnation of the President. Not only legislative assemblies, and memorials from large assemblies, were then produced here as evidence of public opinion, but the petitions of boys under age, the remonstrances of a few signers, and the results of the most inconsiderable elections, were ostentatiously paraded and magnified as the evidence of the sovereign will of our constituents. Thus, sir, the public voice was every thing, while that voice, partially obtained through political and pecuniary machinations, was adverse to the President. Then, the popular will was the shrine at which all worshipped. Now, when that will is regularly, soberly, repeatedly, and almost universally, expressed through the ballot-boxes, at the various elections, and turns out to be in favor of the President, certainly no one can disregard it, nor otherwise look at it than as the solemn verdict of the competent and ultimate tribunal, upon an issue fairly made up, fully argued, and duly submitted for decision. As such verdict, I receive it. As the deliberate verdict of the sovereign people, I bow to it. I am content. I do not mean to reopen the case, nor to recommence the argument. I leave that work to others, if any others choose to perform it. For myself, I am content; and, dispensing with further argument, I shall call for judgment, and ask to have execution done upon that unhappy journal, which the verdict of millions of freemen finds guilty of bearing on its face an untrue, illegal, and unconstitutional sentence of condemnation against the approved President of the republic.

But, while declining to reopen the argument of this question, and refusing to tread over again the ground already traversed, there is another and a different task to perform; one which the approaching termination of President Jackson's administration makes peculiarly proper at this time, and which it is my privilege, and perhaps my duty, to execute, as being the suitable conclusion to the arduous contest in which we have been so long engaged: I allude to the general tenor of his administration, and to its effect, for good or for evil, upon the condition of his country. This is the proper time for such a view to be taken. The political existence of this great man now draws to a close. In little more than forty days he ceases to be a public character. In a few brief weeks he ceases to be an object of political hope to any, and should cease to be an object of political hate, or envy, to all. Whatever of motive the servile and time-serving might have found in his exalted station for raising the altar of adulation, and burning the incense of praise before him, that motive can no longer exist. The dispenser of the patronage of an empire—the chief of this great confederacy of States—is soon to be a private individual, stripped of all power to reward or to punish. His own thoughts, as he has shown us in the concluding paragraph of that message which is to be the last of its kind that we shall ever receive from him, are directed to that beloved retirement from which he was drawn by the voice of millions of freemen, and to which he now looks for that interval of repose which age and infirmities require. Under these circumstances, he ceases to

be a subject for the ebullition of the passions, and passes into a character for the contemplation of history. Historically, then, shall I view him; and, limiting this view to his civil administration, I demand where is there a chief magistrate of whom so much evil has been predicted, and from whom so much good has come? Never has any man entered upon the chief magistracy of a country under such appalling predictions of ruin and wo! never has any one been so pursued with direful prognostications! Never has any one been so beset and impeded by a powerful combination of political and moneyed confederates! Never has any one in any country, where the administration of justice has risen above the knife or the bow-string, been so lawlessly and shamelessly tried and condemned by rivals and enemies, without hearing, without defence, without the forms of law or justice! History has been ransacked to find examples of tyrants sufficiently odious to illustrate him by comparison. Language has been tortured to find epithets sufficiently strong to paint him in description. Imagination has been exhausted in her efforts to deck him with revolting and inhuman attributes. Tyrant, despot, usurper; destroyer of the liberties of his country; rash, ignorant, imbecile; endangering the public peace with all foreign nations; destroying domestic prosperity at home; ruining all industry, all commerce, all manufactories; annihilating confidence between man and man; delivering up the streets of populous cities to grass and weeds, and the wharves of commercial towns to the encumbrance of decaying vessels, depriving labor of all reward; depriving industry of all employment; destroying the currency; plunging an innocent and happy people from the summit of felicity to the depths of misery, want, and despair. Such is the faint outline, followed up by actual condemnation, of the appalling denunciations daily uttered against this one man, from the moment he became an object of political competition, down to the concluding moment of his political existence.

The sacred voice of inspiration has told us that there is a time for all things. There certainly has been a time for every evil that human nature admits of to be vaticinated of President Jackson's administration; equally certain, the time has now come for all rational and well-disposed people to compare the predictions with the facts, and to ask themselves if these calamitous prognostications have been verified by events? Have we peace, or war, with foreign nations? Certainly, we have peace! peace with all the world! peace with all its benign, and felicitous, and beneficent influences! Are we respected or despised abroad? Certainly the American name never was more honored throughout the four quarters of the globe, than in this very moment. Do we hear of indignity or outrage in any quarter? of merchants robbed in foreign ports? of vessels searched on the high seas? of American citizens impressed into foreign service? of the national flag insulted any where? On the contrary, we see former wrongs repaired; no new ones inflicted. France pays twenty-five millions of francs for spoliations committed thirty years ago; Naples pays two millions one hundred thousand ducats for wrongs of the same date; Denmark pays six hundred and fifty thousand rixdollars for wrongs done a quarter of a century ago; Spain engages to pay twelve millions of reals velon for injuries of fifteen years' date; and Portugal, the last in the list of former aggressors admits her liability, and only waits the adjustment of details to close her account by adequate indemnity. So far from war, insult, contempt, and spoliation, from abroad, this denounced administration has been the season of peace and good will, and the auspicious era of universal reparation. So far from suffering injury at the hands of foreign Powers, our merchants have received indemnities for all former injuries. It has been the day of accounting, of settlement, and of retribution. The long list of arrearages, extending through four successive previous administrations, has been closed and settled up. The wrongs done to commerce for thirty years back, and under so many different Presidents, and indemnities withheld from all, have been repaired and paid over under the beneficent and glorious administration of President Jackson. But one single instance of outrage has occurred, and that at the extremities of the world, and by a piratical horde, amenable to no law but the law of force. The Malays of Summatra committed a robbery and massacre upon an American vessel. Wretches! they did not then know that Jackson was President of the United States! and that no distance, no time, no idle ceremonial of treating with robbers and assassins, was to hold back the arm of justice. Commodore Downes went out. His cannon and his bayonets struck the outlaws in their den. They paid in terror and in blood for the outrage which was committed; and the great lesson was taught to these distant pirates—to our antipodes themselves—that not even the entire diameter of this globe could protect them! and that the name of American citizen, like that of Roman citizen in the great days of the republic and of the empire, was to be the inviolable passport of all that wore it throughout the whole extent of the habitable world.

At home the most gratifying picture presents itself to the view: the public debt paid off; taxes reduced one half; the completion of the public defences systematically commenced; the compact with Georgia, uncomplied with since 1802, now carried into effect, and her soil ready to be freed, as her jurisdiction has been delivered from the presence and encumbrance of an Indian population. Mississippi and Alabama, Georgia, Tennessee and North Carolina, Ohio, Indiana, Illinois, Missouri, and Arkansas, in a word, all the States encumbered with an Indian population, have been relieved from that encumbrance; and the Indians themselves have been transferred to new and permanent homes, every way better adapted to the enjoyment of their existence, the preservation of their rights, and the improvement of their condition.

The currency is not ruined! On the contrary, seventy-five millions of specie in the country is a spectacle never seen before, and is the barrier of the people against the designs of any banks which may attempt to suspend payments, and to force a dishonored paper currency upon the community. These seventy-five millions are the security of the people against the dangers of a depreciated and inconvertible paper money. Gold, after a disappearance of thirty years, is restored to our country. All Europe beholds with admiration the success of our efforts, in three years, to supply ourselves with the currency which our constitution guaranties, and which the example of France and Holland shows to be so easily attainable, and of such incalculable value to industry, morals, economy, and solid wealth. The success of these efforts is styled, in the best London papers, not merely a reformation, but a revolution in the currency! a revolution by which our America is now regaining from Europe the gold and silver which she has been sending to them for thirty years past.

Domestic industry is not paralyzed, confidence is not destroyed, factories are not stopped, workmen are not mendicants for bread and employment, credit is not extinguished, prices have not sunk, grass is not growing in the streets of populous cities, the wharves are not lumbered with decaying vessels, columns of curses, rising from the bosoms of a ruined and agonized people, are not ascending to heaven against the destroyer of a nation's felicity and prosperity. On the contrary, the reverse of all this is true! and true to a degree that astonishes and bewilders the senses. I know that all is not

gold that glitters; that there is a difference between a specious and a solid prosperity. I know that a part of the present prosperity is apparent only, the effect of an increase of fifty millions of paper money forced into circulation by one thousand banks; but after making due allowance for this fictitious and delusive excess, the real prosperity of the country is still unprecedently and transcendently great. I know that every flow must be followed by its ebb, that every expansion must be followed by its contraction. I know that a revulsion in the paper system is inevitable; but I know, also, that these seventy-five millions of gold and silver is the bulwark of the country, and will enable every honest bank to meet its liabilities, and every prudent citizen to take care of himself.

Turning to some points in the civil administration of President Jackson, and how much do we not find to admire! The great cause of the constitution has been vindicated from an imputation of more than forty years' duration. He has demonstrated, by the fact itself, that a national bank is not "necessary" to the fiscal operations of the Federal Government, and in that demonstration he has upset the argument of General Hamilton, and the decision of the Supreme Court of the United States, and all that ever has been said in favor of the constitutionality of a national bank. All this argument and decision rested upon the single assumption of the "necessity" of that institution to the Federal Government. He has shown it is not "necessary;" that the currency of the constitution, and especially a gold currency, is all that the Federal Government wants, and that she can get that whenever she pleases. In this single act he has vindicated the constitution from an unjust imputation, and knocked from under the decision of the Supreme Court the assumed fact on which it rested. He has prepared the way for the reversal of that decision; and it is a question for lawyers to answer, whether the case is not ripe for the application of that writ of most remedial nature, as Lord Coke calls it, and which was invented lest in any case there should be an oppressive defect of justice—the venerable writ of *audita querela defendentis*—to ascertain the truth of a fact happening since the judgment, and upon the due finding of which the judgment will be vacated. Let the lawyers bring their books, and answer us if there is not a case here presented for the application of that ancient and most remedial writ.

From President Jackson the country has first learned the true theory and practical intent of the constitution, in giving to the Executive a qualified negative on the legislative power of Congress. Far from being an odious, dangerous, or kingly prerogative, this power, as vested in the President, is nothing but a qualified copy of the famous veto power vested in the tribunes of the people among the Romans, and intended to suspend the passage of a law until the people themselves should have time to consider it. The qualified veto of the President destroys nothing; it only delays the passage of a law, and refers it to the people for their consideration and decision. It is the reference of the law, not to a committee of the House, or of the whole House, but to the committee of the whole Union. It is a recommitment of the bill to the people, for them to examine and consider; and if, upon this examination, they are content to pass it, it will pass at the next session. The delay of a few months is the only effect of a veto in a case where the people shall ultimately approve a law; where they do not approve it, the interposition of the veto is the barrier which saves them the infliction of a law, the repeal of which might afterwards be almost impossible. The qualified negative is, therefore, a beneficent power, intended, as General Hamilton expressly declares in the Federalist, to protect, first, the executive department from the encroachments of the legislative department; and, secondly, to preserve the people from hasty, dangerous, or criminal legislation on the part of their representatives. This is the design and intention of the veto power; and the fear expressed by General Hamilton was, that Presidents, so far from exercising it too often, would not exercise it as often as the safety of the people required; that they might lack the moral courage to stake themselves in opposition to a favorite measure of the majority of the two Houses of Congress, and thus deprive the people, in many instances, of their right to pass upon a bill before it becomes a final law. The cases in which President Jackson has exercised the veto power has shown the soundness of these observations. No ordinary President would have staked himself against the Bank of the United States, and the two Houses of Congress, in 1832. It required President Jackson to confront that power—to stem that torrent—to stay the progress of that charter, and to refer it to the people for their decision. His moral courage was equal to the crisis. He arrested the charter until it could go to the people, and they have arrested it forever. Had he not done so, the charter would have become law, and its repeal almost impossible. The people of the whole Union would now have been in the condition of the people of Pennsylvania, bestrode by the monster, in daily conflict with him, and maintaining a doubtful contest for supremacy between the Government of a State and the directory of a moneyed corporation.

To detail specific acts which adorn the administration of President Jackson, and illustrate the intuitive sagacity of his intellect, the firmness of his mind, his disregard of personal popularity, and his entire devotion to the public good, would be inconsistent with this rapid sketch, intended merely to present general views, and not to detail single actions, howsoever worthy they may be of a splendid page in the volume of history. But how can we pass over the great measure of the removal of the public moneys from the Bank of the United States in the autumn of 1833? that wise, heroic, and masterly measure of prevention, which has rescued an empire from the fangs of a merciless, revengeful, greedy, insatiate, implacable, moneyed power! It is a remark for which I am indebted to the philosophic observation of my most esteemed colleague and friend, (pointing to Dr. LINN,) that, while it requires far greater talent to foresee an evil before it happens, and to arrest it by precautionary measures, than it requires to apply an adequate remedy to the same evil after it has happened, yet the applause bestowed by the world is always greatest in the latter case. Of this the removal of the public moneys from the Bank of the United States is an eminent instance. The veto of 1832, which arrested the charter which Congress had granted, immediately received the applause and approbation of a majority of the Union; the removal of the deposites, which prevented the bank from forcing a recharter, was disapproved by a large majority of the country, and even of his own friends; yet the veto would have been unavailing, and the bank would inevitably have been rechartered, if the deposites had not been removed. The immense sums of public money since accumulated would have enabled the bank, if she had retained the possession of it, to have coerced a recharter. Nothing but the removal could have prevented her from extorting a recharter from the sufferings and terrors of the people. If it had not been for that measure, the previous veto would have been unavailing; the bank would have been again installed in power, and this entire Federal Government would have been held as an appendage to that bank, and administered according to her directions, and by her nominees. That great measure of prevention, the removal of the deposites, though feebly and faintly supported by friends at first, has expelled the bank from the field, and driven her into abey-

ance under a State charter. She is not dead, but, holding her capital and stockholders together under a State charter, she has taken a position to watch events, and to profit by them. The royal tiger has gone into the jungle! and, crouched on his belly, he awaits the favorable moment for emerging from his cover, and springing on the body of the unsuspicious traveller!

The Treasury order for excluding paper money from the land offices is another wise measure, originating in an enlightened forecast, and preventing great mischiefs. The President foresaw the evils of suffering a thousand streams of paper money, issuing from a thousand different banks, to discharge themselves on the national domain. He foresaw that if these currents were allowed to run their course, that the public lands would be swept away, the Treasury would be filled with irredeemable paper, a vast number of banks must be broken by their folly, and the cry set up that nothing but a national bank could regulate the currency. He stopped the course of these streams of paper, and, in so doing, has saved the country from a great calamity, and excited anew the machinations of those whose schemes of gain and mischief have been disappointed, and who had counted on a new edition of panic and pressure, and again saluting Congress with the old story of confidence destroyed, currency ruined, prosperity annihilated, and distress produced, by the tyranny of one man. They began their lugubrious song; but ridicule and contempt have proved too strong for money and insolence; and the panic letter of the ex-president of the denationalized bank, after limping about for a few days, has shrunk from the lash of public scorn, and disappeared from the forum of public debate.

The difficulty with France: what an instance it presents of the superior sagacity of President Jackson over all the common-place politicians who beset and impede his administration at home! That difficulty, inflamed and aggravated by domestic faction, wore, at one time, a portentous aspect; the skill, firmness, elevation of purpose, and manly frankness, of the President, avoided the danger, accomplished the object, commanded the admiration of Europe, and retained the friendship of France. He conducted the delicate affair to a successful and mutually honorable issue. All is amicably and happily terminated, leaving not a wound, nor even a scar, behind—leaving the Frenchman and American on the ground on which they have stood for fifty years, and should forever stand; the ground of friendship, respect, good will, and mutual wishes for the honor, happiness, and prosperity, of each other.

But why this specification? So beneficent and so glorious has been the administration of this President, that where to begin, and where to end, in the enumeration of great measures, would be the embarrassment of him who has his eulogy to make. He came into office the first of generals; he goes out the first of statesmen. His civil competitors have shared the fate of his military opponents; and Washington city has been to the American politicians who have assailed him, what New Orleans was to the British generals who attacked his lines. Repulsed! driven back! discomfited! crushed! has been the fate of all assailants, foreign and domestic, civil and military. At home and abroad, the impress of his genius and of his character is felt. He has impressed upon the age in which he lives the stamp of his arms, of his diplomacy, and of his domestic policy. In a word, so transcendent have been the merits of his administration, that they have operated a miracle upon the minds of his most inveterate opponents. He has expunged their objections to military chieftains! He has shown them that they were mistaken; that military men were not the dangerous rulers they had imagined, but safe and prosperous conductors of the vessel of state. He has changed their fear into love. With visible signs they admit their error, and, instead of deprecating, they now invoke the reign of chieftains. They labored hard to procure a military successor to the present incumbent; and if their love goes on increasing at the same rate, the republic may be put to the expense of periodical wars, to breed a perpetual succession of these chieftains to rule over them and their posterity forever.

To drop this irony, which the inconsistency of mad opponents has provoked, and to return to the plain delineations of historical painting, the mind instinctively dwells on the vast and unprecedented popularity of this President. Great is the influence, great the power, greater than any man ever before possessed in our America, which he has acquired over the public mind. And how has he acquired it? Not by the arts of intrigue, or the juggling tricks of diplomacy; not by undermining rivals, or sacrificing public interests for the gratification of classes or individuals. But he has acquired it, first, by the exercise of an intuitive sagacity which, leaving all book learning at an immeasurable distance behind, has always enabled him to adopt the right remedy, at the right time, and to conquer soonest when the men of forms and office thought him most near to ruin and despair. Next, by a moral courage which knew no fear when the public good beckoned him to go on. Last, and chiefest, he has acquired it by an open honesty of purpose, which knew no concealments; by a straight-forwardness of action, which disdained the forms of office and the arts of intrigue; by a disinterestedness of motive, which knew no selfish or sordid calculation; a devotedness of patriotism, which staked every thing personal on the issue of every measure which the public welfare required him to adopt. By these qualities, and these means, he has acquired his prodigious popularity and his transcendent influence over the public mind; and if there are any who envy that influence and popularity, let them envy, also, and emulate, if they can, the qualities and means by which they were acquired.

Great has been the opposition to President Jackson's administration; greater, perhaps, than ever has been exhibited against any Government, short of actual insurrection and forcible resistance. Revolution has been proclaimed! and every thing has been done that could be expected to produce revolution. The country has been alarmed, agitated, convulsed. From the Senate chamber to the village bar-room, from one end of the continent to the other, denunciation, agitation, excitement, has been the order of the day. For eight years the President of this republic has stood upon a volcano, vomiting fire and flames upon him, and threatening the country itself with ruin and desolation, if the people did not expel the usurper, despot, and tyrant, as he was called, from the high place to which the suffrages of millions of freemen had elevated him.

Great is the confidence which he has always reposed in the discernment and equity of the American people. I have been accustomed to see him for many years, and under many discouraging trials; but never saw him doubt, for an instant, the ultimate support of the people. It was my privilege to see him often, and during the most gloomy period of the panic conspiracy, when the whole earth seemed to be in commotion against him, and when many friends were faltering, and stout hearts were quailing, before the raging storm which bank machination, and senatorial denunciation, had conjured up to overwhelm him. I saw him in the darkest moments of this gloomy period; and never did I see his confidence in the ultimate support of his fellow-citizens forsake him for an instant. He always said the people would stand by those who stand by them; and nobly have they justified that confidence! That verdict, the voice of millions,

which now demands the expurgation of that sentence which the Senate and the bank then pronounced upon him, is the magnificent response of the people's hearts to the implicit confidence which he then reposed in them. But it was not in the people only that he had confidence; there was another, and a far higher Power, to which he constantly looked to save the country, and its defenders, from every danger; and signal events prove that he did not look to that high Power in vain.

Sir, I think it right, in approaching the termination of this great question, to present this faint and rapid sketch of the brilliant, beneficent, and glorious administration of President Jackson. It is not for me to attempt to do it justice; it is not for ordinary men to attempt its history. His military life, resplendent with dazzling events, will demand the pen of a nervous writer; his civil administration, replete with scenes which have called into action so many and such various passions of the human heart, and which has given to native sagacity so many victories over practised politicians, will require the profound, luminous, and philosophical conceptions of a Livy, a Plutarch, or a Sallust. This history is not to be written in our day. The cotemporaries of such events are not the hands to describe them. Time must first do its office—must silence the passions, remove the actors, develop consequences, and canonize all that is sacred to honor, patriotism, and glory. In after ages the historic genius of our America shall produce the writers which the subject demands—men far removed from the contests of this day, who will know how to estimate this great epoch, and how to acquire an immortality for their own names by painting, with a master's hand, the immortal events of the patriot President's life.

And now, sir, I finish the task which, three years ago, I imposed on myself. Solitary and alone, and amidst the jeers and taunts of my opponents, I put this ball in motion. The people have taken it up, and rolled it forward, and I am no longer any thing but a unit in the vast mass which now propels it. In the name of that mass I speak. I demand the execution of the edict of the people; I demand the expurgation of that sentence which the voice of a few Senators, and the power of their confederate, the Bank of the United States, has caused to be placed on the journal of the Senate, and which the voice of millions of freemen has ordered to be expunged from it.

When Mr. BENTON had concluded,

Mr. DANA commenced a speech in support of the resolution, but, after speaking for about fifteen minutes, without concluding, yielded the floor to

Mr. GRUNDY, on whose motion

The Senate adjourned.

FRIDAY, JANUARY 13.

The CHAIR presented the credentials of THOMAS CLAYTON, elected a Senator from Delaware, in the place of the Hon. JOHN M. CLAYTON, resigned.

EXPUNGING RESOLUTION.

The Senate proceeded to the further consideration of the special order, the expunging resolution of Mr. BENTON.

Mr. DANA, who was entitled to the floor, addressed the Chair as as follows:

Mr. President: Having so recently taken a seat in this chamber, and having neither inclination nor skill for public debate, I should most gladly have given a silent vote on this subject; but, sir, the citizens of the State which I, in connexion with my colleague, have the honor to represent, take a deep and lively interest in this question, and I should be thought remiss in my duty, and regardless of their feelings, were I to remain silent upon it. Maine, sir, is at one extremity of the Union, in a high latitude and cold climate; but, sir, she has a fertile soil, immense forests of timber, with her thousand streams to bear it to the ocean; she is a border State, skirted by the dominion of his Britannic Majesty; she has a large territory (if she was permitted to enjoy it) and a boundless seaboard, indented with numberless bays and harbors, filled with ship yards, ships, and commerce; these lead her citizens to an intercourse with the subjects of their royal neighbor, and by them we are told that we have no Government; that our "King is deposed;" that our President has been tried and condemned by our Senate, and that soon we shall come under the dominion of their King. However gratifying this thought may be to some in our Union, it has but few advocates with us. This leads the hardy, industrious, inquisitive citizens of the East to inquire, what has our beloved President done? Is it true that the Senate have condemed him? Can it be that he, who has triumphantly carried us through so many perils, and always been the people's friend, has betrayed us at last? Let us look into it; let us examine the subject! With this inquiring spirit, so peculiar to the people of the North, my constituents will be satisfied with nothing short of a fair and full investigation of this subject, and a just and impartial decision of the same. And that I may the more readily come to the investigation of it, and not wander from it, I ask permission to have the resolution of March 28, 1834, read from the desk.

This resolution, (in these words: "*Resolved*, That the President, in the late proceeding in relation to the revenue, has assumed on himself authority and power not conferred by the constitution and laws, but in derogation of both,") holds up the President to the people as a usurper; as a violator of that constitution which he has sworn to support.

My first inquiry, Mr. President, is, how was this resolution passed? In what capacity did this honorable Senate act when they passed it? This body has a legislative and executive character, and, in one instance, and in one alone, a judicial character, *viz:* the trying of impeachments. Although the Senate has a legislative character, yet it is presumed that this body would not act in that capacity only on subjects of legislation. And this surely could not be such; there is no matter on which legislative action could be had. If the President was guilty of a violation of the constitution and laws, if he had committed high crimes and misdemeanors, no legislation would reach him; he must be tried by the constitution and the laws, as they existed at the time of his supposed offence. To me it is clear that this honorable body had no legislative jurisdiction on this subject. Did they then act in their executive capacity? No, sir; for their records show no such proceedings in the executive business. He must have been tried, then, by this honorable Senate in their judicial capacity; and this body has the sole power to try all indictments given it by the constitution, and when sitting for that purpose, in their judicial character. The rules of procedure, as adopted December 31, 1804, in this honorable Senate, to be observed in cases of impeachment, require "that at 12 o'clock of the day appointed for the trial of the impeachment, the legislative and executive business shall be suspended," and the Secretary shall then administer the following oath to the President of the Senate: "You solemnly swear (or affirm) that in all things appertaining to the trial of the impeachment of ——— ———, you will do impartial justice, according to the constitution and laws of the United States; and the President shall administer the said oath to each Senator present." This clearly shows, Mr. President, the views which this honorable body had heretofore entertained of their own powers, and at a time, too, when they were cool and

dispassionate, and about to exercise their high judicial functions. Here, sir, you find an important fact, that the Senate never did exercise their legislative and judicial functions at the same time; they are distinct in their natures, and have ever been so considered by this honorable body, and so exercised by them until the 28th of March, 1834, when, for some purpose, of which I will not now speak, for the first time, (and God grant that it may be for the last,) the legislative and judicial functions of this body, contrary to their own rules of procedure, and in violation of the constitution, were exercised at one and the same time, and a judicial sentence is clothed in legislative language. If the object was, sir, to bring a bold offender to justice, why not pursue the legal and constitutional course? Why violate both? But if the object was to exhibit the President as a daring usurper, and unworthy of the confidence of the people, this scheme, this project, would seem to have been the most probable to accomplish it. But it has failed, totally failed.

Again, sir, another rule of this body adopted at the same time as the former, requires that a summons shall be issued to the person accused, which summons shall be signed by their Secretary, sealed with their seal, and served by the Sergeant-at-arms. This rule also shows clearly that this honorable body never contemplated the exercise of their legislative and judicial functions at the same time. Then, sir, if this position is correct, the sentence of condemnation contained in this resolution was a judicial act, and could only have been done by a judicial tribunal.

Again, sir, it is the right of the accused to have the offence with which he is charged clearly and substantially set forth, and to be duly notified of the time and place of trial; to have an opportunity to appear before this august tribunal, hear the allegations and proofs against him, and confront his accusers, face to face, and then to make his defence. Now, Mr. President, let me ask, when the Chief Magistrate of this nation was condemned, in the resolution proposed to be expunged, did this honorable body suspend legislative and executive business? Did they organize themselves as a judicial tribunal? Did the President of the Senate take the above oath, prescribed by the rules of this honorable body? Did he administer the same to each Senator present? Was the accused furnished with a full and clear description of the charges brought against him? Was he notified of the time and place of trial? And was he permitted to face his accusers? If not, then, sir, permit me to ask, has he been tried by the rules presented by this honorable body? No, sir; he has been tried and condemned for a violation of the constitution and laws of his country, which he had sworn to support, contrary to our own rules—rules which this body had adopted for the trial of such offenders as he is accused of being.

Mr. President, having shown that the President was tried and condemned without form, I will now inquire if he has been tried according to the provisions of the constitution and laws of our country. In what cases, let me ask, can this honorable Senate act in their judicial capacity? Let the constitution answer: "The Senate shall have the sole power to lay all impeachments;" and that instrument conveys to this body no authority to try only in cases of impeachment. Here is the extent of our power, and here is our authority limited. Yes, sir, we can try impeachments, and impeachments only; but, sir, can the Senate originate impeachments? No, sir, they cannot. The constitution has declared, in so many words, that "the House of Representatives shall have the sole power of impeachment." Have they exercised that power? Have they accused the President of "assuming on himself authority and power not conferred by the constitution and law, and in derogation of both?" Have they impeached him for so doing? Where is the evidence of it? Have they notified the Senate of such impeachment? No, sir, they have not done it. The impeaching power has never acted in this case. They have not accused the President of any offence whatever. Where, then, sir, I ask, is our jurisdiction? We have no power to try, until the House—the accusing power—have impeached; none at all, not the shadow of any jurisdiction. Can it be, sir, that without even the forms prescribed by this honorable body, without an impeachment, without an accusation of any kind, we have assumed jurisdiction, tried, and condemned the President of the United States for a violation of the constitution and laws of his country? And shall this resolution remain on our journals, or shall it be expunged? Can this be done? Has this Senate a right to do it? There is no rule of more general application than this. The power which creates can destroy—the power which can make, can unmake—the power which puts up, can put down—and why should not this rule apply as well to records as to all other cases? unless, sir, it should be a record of vested rights, about which we have recently been so highly entertained; and I cannot perceive that there are any vested rights contained in this resolution. I think the accused will claim none in this case.

I apprehend, sir, that every legislative, executive, and judicial body have a right to alter, strike out, insert, erase, correct, and amend, their records. It is an inherent, co-ordinate power, without which such bodies could not exist, and transact their business. Is there a time limited, within which such alterations and amendments should be made? If so, what is the time? A day? a month? a year? In the history of records, no such limit is fixed. I trust, then, sir, such alterations may be made at the time deemed most proper by the body to which they belong. If, then, sir, such bodies have their records under their own control, why may they not erase, blot out, expunge, at pleasure? Is there any particular form or manner in which this shall be done? None. Then, sir, if there is no particular time limited for doing this, nor any manner prescribed in which it must be done, the time when, and the manner of doing it, are at the pleasure of the bodies to whom the records belong. If, then, sir, we have the power to expunge this resolution, is it expedient so to do?

JANUARY 13.—Mr. President, in the remarks which I had the honor to submit yesterday, on this subject, I endeavored to show that the resolution now proposed to be expunged was unconstitutional and informal, and that the honorable Senate had a right to amend, alter, correct, or expunge it, at such time and in such manner as they should think proper. If, Mr. President, I have succeeded in this, one question only remains to be discussed, viz: is it expedient to expunge the resolution? In reply to the honorable gentleman from Kentucky, [Mr. CRITTENDEN,] I would say, I would not expunge it merely because the Senate have the power so to do, nor from party motives, nor for the triumphs of party, but from a solemn sense of duty I owe to the country, to the President, and to the honorable Senate of the United States. I would expunge it, sir, because the resolution bears on its face a contradiction, a judicial sentence found on a legislative journal, and no evidence that it came from any judicial tribunal. It is a *sui generis* case—it is a burlesque on judicial trials—it has no parallel; the like is not to be found in the annals of our country. No, sir, not even the trials among our pilgrim fathers at Salem can compare with this case; their fanaticism triumphed over right, and the innocent fell victims to the prevailing delusion; but even there the accused enjoyed privileges of which the President was denied. The accusations were made known to them; a time and place of hearing was assigned, and the accused had an

opportunity of confronting the accuser and his witnesses face to face, and the trial was had before a competent tribunal.

These trials, which cast so much reproach on our puritan fathers, bear no comparison to the one under consideration. Nor does this sentence in the resolution bear any comparison with the summary judgment and execution of that relentless tyrant who stalks through our streets, carrying in his train terror and dismay. There, sir, public indignation bursts forth with fury, (ever to be dreaded,) but soon subsiding. Here, sir, the worm, the canker-worm, is at the heart of the constitution. Yes, sir, in this hall, this citadel of constitutional rights; in this temple, within the veil, the judicial ermine has been stained, the constitution violated, and a blot cast upon our national escutcheon; a blot which many waters cannot wash out, nor many years efface. What, then, shall be done? Let us expunge the resolution. Not, sir, because it detracts from the character of the President, or will in any way affect it. His reputation, his fame, are imperishable. He lives in the hearts and affections of the present generation; and history will place him beside the founder of our republic, and after ages will hail him as the saviour of it. Andrew Jackson has no equal; his whole life is a miracle. See him in youth, a fatherless, friendless, penniless boy, the son of a foreigner, a stranger in a strange land. Examine him in every stage of his existence, and we are impelled to exclaim, wonderful man! reared by Providence to guide the destinies of his country, and to exhibit the perfection and moral grandeur of human nature. I am not clear, sir, but it was necessary to the perfection of his character that he was thus violently assailed and condemned by this resolution.

If this resolution had not been passed, his masterly answer, one of the proudest monuments of his fame, would never have been seen. Like the oak, which has withstood the blasts for years, it must endure the fury of the whirlwind and the tempest, before it can become the king of the forest. That answer, sir, like its author, was doomed to undergo the most violent attacks, the foulest aspersions. It was even denied a place on the files of the Senate; and, like its author, too, it gained admiration wherever it was known. I said, sir, that Andrew Jackson stood alone. Where can you find his fellow! Look among the sovereigns of the earth. Look where you will, and you look in vain. Go to the records of the mighty dead, and where will you find his equal? Shall such a man stand condemned on the records of this honorable Senate, unaccused and unheard? "Tell it not in Gath."

Again, sir, I would expunge this resolution, lest it should be considered as a precedent. If, sir, it is permitted to remain, at some future period of great excitement, when passion and prejudice shall triumph over reason, and the constitution shall be made to subserve the purposes of disappointed ambition; when a President, less powerful than General Jackson, shall be in the way of presidential aspirants, we may see the same scenes of March, 1834, acted over again; and the power of the Chief Magistrate broken, and that branch of the Government prostrated at the feet of this. Then, sir, will our Government be ended, and the last hope of civil liberty be extinguished. Far, far distant be that evil day.

Another reason, sir, why I would expunge this resolution is, because it violates a vital principle in our constitution and destroys one of the dearest and most important rights we possess, viz: a full, fair, and impartial trial; and because, sir, the Chief Magistrate of this nation—one who has done more for it than any man living—yes, the very man "who has filled the measure of his country's glory"—has unjustly and unconstitutionally been deprived of this privilege, one to which the meanest citizen is entitled, and has been condemned without a hearing. And again, sir, I would blot out this resolution from our records, because the American people have pronounced judgment against it; and not only they, but the people of both continents have done it. Nor is this all, sir. The resolution is derogatory to the character and dignity of our Government, and violates the great principles of our national compact. A duty we owe ourselves, as a co-ordinate branch of the Government, requires that we should not suffer this resolution to remain on our records. It is an open, bold, and unprecedented attack, made by this branch of our Government upon the Chief Executive; an act which, had it been successful, must have prostrated our constitution, destroyed our Government, and laid our institutions of civil and religious liberty in the dust. Then, sir, let me say to this honorable body, as we value these rights and privileges, as we respect our own characters and the high reputation of the Senate, let us at once blot out this stain.

Mr. President, one word in reply to the honorable gentleman last up, [Mr. CRITTENDEN,] and I will weary your patience no longer. Sir, we were yesterday admonished of our duties, and the sacredness of our oaths, and cautioned not to violate them in expunging this resolution. I trust, sir, that we are not unmindful of the obligations resting upon us, nor indifferent to the manner in which we perform them. And, in turn, let me, sir, remind that honorable Senator, and those who act with him, that this same constitution, which he would so carefully guard, expressly provides that the House of Representatives "shall have the sole power of impeachment." And let me farther remind him and his friends, that the House of Representatives never have impeached President Jackson, and yet he stands condemned by this resolution. Where, then, is the constitution, and where the sanctity of oaths by which it is guarded? Again, sir, the honorable gentleman more than intimated that the vindicators of the President's character were his worshippers. Sir, it is too late to begin now to worship him; it is more natural to worship the rising sun; and appearances indicate that the honorable gentleman and his friends have already selected their object of adoration. As to myself, sir, I have no inclination to worship General Jackson. I have no personal acquaintance with him; have seen him once, and once only, and for five minutes. I have never received any appointment or favor from him, and never expect so to do; yet I esteem him one of the greatest of men, and purest of patriots; and rely upon it that the page of history which shall record his deeds, will be read with enthusiasm through all coming time. His cotemporaries will go down to posterity with him. His coadjutors will gather lustre from his fame, and his revilers, though they may not bask in the effulgence of this great luminary, yet they may continue to be seen as spots upon it, like the spots which bedim the great orb of day.

Mr. President, I am thankful that I have had an opportunity of expressing the views and feelings of my constituents, together with my own, and notwithstanding the awful consequences predicted by the gentlemen opposed to expunging this resolution; yet, sir, I have none of those fears, none at all; but shall esteem it the best act, and one of the happiest days of my life, should I be permitted to record my name in favor of expunging this resolution.

If, Mr. President, in my remarks submitted, I have deviated in any thing from the ordinary course of discussion, I trust some apology will be found in the novelty of my situation, never having been a member of any Legislature until I had the honor of a seat in this body.

Mr. PRESTON next rose and addressed the Senate as follows:

Nothing, Mr. President, (said he,) was farther from my intention, than to have said a single word on this subject. Nor do I now propose to discuss it. That has been done so fully and elaborately on both sides, that I shall not enter upon the argument. I thought I should not have said a word, but I feel a sort of impossibility of withholding the expression of my utter repugnance to this proceeding. If we had not arrived at the very issue; if the question were not ready to be taken, I should have retained my seat, for I have long been endeavoring to school and to subdue my heart down to this submission. During the entire course of events which has gradually brought my mind to the conclusion that this resolution would at some time pass, I have endeavored to discipline my feelings, to curb and restrain them, and bring down my mind to the event, so that when at last the sad moment should arrive, I might meet it with a becoming resignation; and I did suppose that I had succeeded. I had long seen the growing popularity of this measure. I was no stranger to the arts and the industry by which the progress of that popularity had been stimulated and urged on from day to day. I well knew the power and the popularity of the Chief Magistrate. I had heard of his own personal exertions to promote this object. I saw that it was resolved upon as a party measure, and I saw the party which had resolved upon it rapidly and triumphantly succeeding throughout a large part of the Union. These things certainly are sufficient to have forewarned me, and I had hoped, and till this moment believed, that they had forearmed me also. But there was added to all these the still less equivocal evidence arising from the proceedings of several of the State Legislatures. Sir, when first I heard that a State Legislature had instructed her Senators on this floor to vote in favor of this thing, it struck me with inexpressible sorrow and dismay. But when I from time to time beheld various other State Legislatures, acting under the same dictation, or at least misled into the same mistake, sorrow assumed in my bosom the complexion of despair. But there was still one ingredient to be added to this cup, to render the odious draught more intolerably bitter. I could, I will confess it, with some comparative degree of philosophy, have seen certain States of this confederacy one after another giving way, and bringing their successive sacrifices to this altar of executive power. I could have borne to see this and that and the other State prostrating herself and aiding in the general conspiracy to prostrate the Senate. But when at length it came to pass that the ancient and powerful Commonwealth of Virginia was brought to bow her venerable locks before the footstool of power, forgot her past history, forgot who and what she is and what she has been, and associated herself in a combination like this, how shall I describe to you my feelings! As a politician, I might have been mortified at such a spectacle; as a statesman, belonging to the United States, I turned from it with shame; but as a native of Virginia, I deplore, I lament, from the bottom of my heart, that she too has joined the funeral procession of the constitution. Sir, I was proud to remember her in her proud day; to consider her as she once was, and perhaps still is—the mother of great men; to look back to that bright, that immortal period in our history when she recalled her children from these halls of national legislation into her own Legislature, there to vindicate the rights and independence of the State, and to reassert the violated constitution against the usurpations of this Government. Then, indeed, Virginia preserved that illustrious character which had descended with her from the Revolution. Then she put herself on her State rights, and on the popular doctrines of a free Government; and all who witnessed the animating sight must have concluded that, throughout her existence, she would ever continue to vindicate and to perpetuate the doctrine and the spirit of liberty. Sir, I could have wished that the honorable gentleman who now represents that distinguished State could have found in his own mind reasons for taking a different course from that which he has pursued in this matter. With the powers which he unquestionably possesses, with his liberal education and large experience, and especially with the good fortune of growing up amidst the very men who laid the foundations of our republic, I had hoped that he would have invoked the ancient spirit of his State, and would have added the suffrage of his voice to save the trembling constitution, about to be immolated at the footstool of executive power. But it was my lot to be disappointed; and I mourn, from the bottom of my heart, the instruction under which he feels himself constrained to vote for this extraordinary resolution. Where are the sedateness, the gravity, the calm and cautious wisdom of Madison? Where the philosophic spirit, the enlarged views, and popular predilections of Jefferson? Where the sturdy republicanism of John Taylor? Where those bright names which make her history? They are gone—gone and others control her destiny. Sir, I lament, I mourn, that my native State should have lent herself and the remnant of her glory to promote and gloss over this proceeding. I take consolation, however, Mr. President, that there is one State, one free and fearless State, which has kept herself aloof from this combination; whose unbroken spirit, whose pride and honor, demand of me, her representative, to make, as I now do, on behalf of South Carolina, her public and solemn protest against this open and flagrant violation of the constitution.

But, sir, I have done. The argument is exhausted; the verdict has been rendered; the judgment given; execution is demanded—ay, sir, and let me add, the executioners are here with ready hands. Exercise your function, gentlemen. You have been called on to do execution—do it. The axe is in your hand; perform that which is so loudly called for. Execution, sir? Of what? Of whom? Is the axe aimed at me, and at those of us who voted for the resolution you are about to expunge? Is it us you strike at? If so, I would say, and with comparative satisfaction, in God's name, let the blow come, and while the fatal edge fell upon my neck, I would declare, with honest sincerity, that I had rather be the criminal of 1834 than the executioner of 1836. Proceed, gentlemen, do your holy work. Grant judgment. Do execution—execution upon your own records—execution upon the constitution of your country. I do not envy you your office. Personally, however, it does not touch us. No, sir; I am glad, I rejoice, that on that record my name is found as one against whom this act is aimed. I would appeal from the present time to posterity, and ask whether the names of myself and my associates or the names of our executioners are then most likely to be venerated as guardians of the constitution. But can you suppose that your work is to be done on that body of representatives of the States who voted for the obnoxious record? That you will execute us? Our reputation, our character, and standing? No, sir; it is not in the power of your black lines to touch us. I, indeed, was but a common soldier, and served in the ranks under greater men. But would gentlemen strike out of the record of this Government the names of those who offered that resolution? No, no. They are far beyond your reach, and the only result of your impotent attack will be the more firmly to establish their fame. Wrong they may have been, but their business and their aim was to sustain the constitution. An act had been

done of equivocal import, and attended with tremendous consequences. Those consequences swept over the Union like an inundation, and in that dark hour, and in the face of a popularity before which nothing could stand, they dared to raise their voice in this hall, and, so far as an expression of opinion could go, to record their censure of that act. And will gentlemen pretend to tell me that these men will not receive the gratitude of posterity? This expunging process may, for a season, promote the reputation of those who perform it; but this deed will bring fresh into remembrance the names of those who passed that resolution which they cannot suffer to stand on the records of the Senate. Some of these individuals are present, and I must forbear. But long after we shall have passed away, when the history of our country is written, and fondly and proudly dwelt upon by our posterity, their names will be mentioned. They will be familiar as household words, and will be taught to children as the names of Washington, and Adams, and Hancock, and Lee, and Lafayette, are now taught to our children. If the hope, if the design, is to efface those names from the leaves of our national memorials, it will fail. Every effort to extinguish will but increase the splendor which surrounds them. An attack upon the constitution may, indeed, confer on those who perpetrate it a sort of immortality, but it is not such as will belong to its defenders. We remember, indeed, but we execrate, the name of the miscreant who, for a sort of fame, destroyed a venerable temple of antiquity. And whom, I again ask, will you do execution upon? Upon the record? Is it the object of offence? Will you make your war on the paper? Will you wreak your spite upon so much rags and cotton? Who or what is it that is to be prostrated and broken down? It is the Senate of the United States. It is one of the co-ordinate branches of the General Government. Proceed, then, to the sacrifice. Do execution on the Senate. Consummate your solemn farce, and then rise and congratulate yourselves that you are yourselves members of the very body that you have bowed to the footstool of power. Offer your glad hosannas—ay, triumph and boast that you have brought that Senate, of which you form a part, to this pass. But while you are making the welkin ring, I will mourn at your jubilee. I shall be present at the scene, but not of it, and my only consolation will be that I can reply to my country, "Thou canst not say I did it." The people, it seems, have decided against the Senate. The people order the Senate to take the constitution in their hand—to bring it into the presence of the "miraculous man," as an honorable Senator [Mr. DANA] has just termed him, and, as an offering for his great services, for his unequalled popularity, for the unsurpassed confidence which he enjoys, sing hosannas in his ears, and while the sky reechoes to your shouts of exultation, burn the constitution as incense under his nostrils. This, and nothing less than this, will satisfy the idolatrous devotion of his admirers. Do execution on the records of your land. Obliterate your own journal? Do not introduce the report of a committee. Do not revoke your former act by recording a resolution; but perform a physical act of execution. Why, sir, does the Senate of to-day differ from the Senate of yesterday? Has the Senate of 1837 different views from the Senate of 1834? Does the Senate now think that the Senate then grossly transcended its power? And is not language capable of expressing this? Are there no words to express a difference of opinion? Cannot you state the strength of your conviction in all the compass of your mother tongue? No. You must do a physical act. You must put nothing on record. You must perform a deed. You must do something that has no precedent. Your Clerk is to be exhibited, not reading, not writing, not enunciating your decisions, but performing mechanical execution on a bit of paper. He is not to be occupied in his ordinary and legal functions. No, sir. He is to perform the duty of a common hangman. Might it not be as well to order in a file of soldiers with their bayonets? Or would it not be better still to purify the journal by fire? Fire is the ancient ordeal. Give the victim to the flames; and then, like a company of the native Sagamores, sit round and inhale the agreeable fragrance as the smoke of the guilty lines shall darkly ascend to heaven. When the act is performed, you will have set a memorable precedent. And do you think there will be no improvement on this patent mode of conciliating the Executive? May it not be profitably applied to some other purposes? Why not expunge those who made the record? If the proceeding had a guilt so monstrous as to render necessary this novel and extraordinary course, the men themselves who perpetrated the deed—it is they who should be expunged. Men who entered so foul a page upon your journals cannot be worthy of a seat here. Remove us. Turn us out. Expel us from the Senate. Would to God you could. Call in the prætorian guard. Take us—apprehend us—march us off.

But the honorable Senator who has just resumed his seat takes the ground that this expunging resolution is merely a strong mode of expressing an opinion. I put it to the candor of that honorable gentleman whether this is a mere expression of opinion? The resolution which is to be expunged asserted, on behalf of the Senate, a difference of opinion from the President of the United States. It expressed that difference fairly and openly. The whole extent of its offence is, the expression of a difference of opinion from the President on a constitutional question. It never once entered the minds of the authors of that resolution to stain your record by an official act of hatred. I admit, indeed, that the bosoms of some of them may not have been wholly free from some feelings of that description, and that some of the speeches on this floor manifested at times a strong sentiment of hostility towards the President. But did it ever enter their thoughts to make the journal of this body a record of personal spite? They expressed a difference of sentiment, and this surely may be done in the very kindest spirit. But sir, is that the temper of the present proceeding? Is it to express a difference of opinion that we are now invited? Is it to express an opinion at all? What is it the expression of? Vengeance. That is what is to be expressed. The compass of the English language is not able to bring forth a tone sufficient for the purpose. Vengeance! vengeance! must be taken on the records. They are to be put in mourning. They are to be hung with black. In this there may be a double purpose. The Senate may intend that their journals shall bear imperishable evidence of their deep mourning that the feelings of the President should have been wounded. The record is to be carried into his presence, that we may show the Chief Magistrate that we have put ourselves permanently into mourning for the offence we have committed, and to express our humble hope that this may go some little way towards healing the wounds which have been inflicted on his sensibility. Possibly the President may deign to listen to us; nay, he may even give a gracious smile of approbation, a glance of complacency, on those who humbly present to him this most grateful oblation. Yes, sir, the proceeding is intended to inscribe upon our records more than language can impart, more than we are willing or able to put into words; a deed, an overt act, will, it is humbly hoped, prove more grateful than any words could have been rendered to the august, the "miraculous" being who is to be propitiated. Attend, sir, to the palinode which has just been sung to the honor and glory of the President of the United States. The attenuated period, both of political and

physical existence, of the President, makes me very reluctant indeed to offer any remarks on the very extravagant language in which he has been praised; nor should I advert to the gentleman's speech at all, but to notice the ground on which this measure is advocated. "Expunge! expunge!" cries the gentleman; "expunge a resolution which is an attack on the good, the glorious, the popular, the powerful, the 'miraculous,' President of the United States!" This, sir, was the tone, and this the argument, in three fourths, nay, in four fifths of the venerable gentleman's discourse. He puts this resolution on the ground of his eulogy of the President. That is the sole argument. Because President Jackson is praiseworthy and glorious, expunge! expunge! Why, sir, what is the connexion? The Senator has certainly not given us a very logical conclusion. General Jackson is to be praised; that forms the premises of his argument. This record is to be expunged; that is the conclusion. We are to obliterate our records, and bring them, in the habiliments of mourning, to his feet, because President Jackson is gracious, glorious, popular, powerful, miraculous! And all these properties, and all this glory, is to be transferred bodily to another gentleman who is just like himself. *Alter et idem.* We are to abolish our journal, because General Jackson is thus and thus, and his successor will be thus and thus. That is the argument. I say nothing now of the truth of the premises, because this is not a convenient opportunity for the investigation of that subject. Those who are in ecstasies, who are in exultations of admiration, who are shouting, clapping hands, and singing hallelujahs, are not exactly in a condition of mind to listen or be argued with. They may be within the extreme pale of reason, but they are, to say the least, on the confines of enthusiasm. But, admitting that the President is that exalted, that immaculate, that unequalled, that miraculous person which he is represented; allowing that he leaves out of sight all that history has left us of ancient Rome, and all that we have read of modern worth and virtue; and admitting that all this is transferable, and has been transferred, for the glory and blessedness of our country, to one worthy to be his successor, let me ask, how does this bring us to the conclusion that the record of our proceedings is to be expunged?

Let the gentleman introduce a resolution imbodying the substance of his speech, to wit: that General Jackson is the greatest and best man that now lives, has lived, or will ever live again; that he is worthy of all honor and glory, that the constitution is to be sacrificed, and the records of one branch of the Government defaced and mutilated, for his gratification. Let him lay that resolution before the people, to whose verdict he has appealed, and see how it will be received.

The honorable gentleman, however, stated one fact in reference to the President, which is more novel, at least, than many of the remarks with which he favored the Senate. It is, if I mistake not, something entirely novel on this floor. He told us that the President was miraculous. But the miracle, it seems, lies in the fact that he was born a foreigner, and is President of the United States. Sir, General Jackson, I admit, has overcome great difficulties. He has fought the battle of life; he has fought it every where for success, and with success. But I never knew, until I was now officially informed, that he was born in Ireland. [A laugh.] To prevent his future historians from falling into a difficulty like that which happened in the case of a more obscure individual in Greece, for whose birthplace seven cities are said to have contended, the gentleman from Maine has kindly fixed the spot; and when that cloud of future historians of whom we have been told, and who are themselves to become immortal by writing General Jackson's life, shall be searching for panegyric to adorn their rival pages on that deathless theme, they will at least be relieved from the pains of uncertain conjecture as to the nativity of the hero of their story.

It is said, from high authority, that men make to themselves idols and worship them, and I shall not now pause to censure this propensity of our nature; and I know when the idol is fashioned it is difficult to restrict its worshippers as to the mode of worship, or the extent of the sacrifice. To the idols in the East men sacrifice themselves, and sometimes their wives and children. But these gentlemen are far wiser. They do not sacrifice themselves--nothing is farther from their thoughts. Such a thing does not enter into their purposes. But still the sacrifice must be conspicuous, impressive, such as will produce effect. They look round for a victim. But will they, like Eastern devotees, cast themselves beneath the onward crushing car of executive power. Oh, no, sir. Nothing like it. They stand cautiously out of the way of its career, and cast down the constitution of their country. That is the victim--crush it. There is the official record of the Senate--crush it. There is the very body itself, the collected Senate of the United States--crush it. And do you crush it, gentlemen? Do you expunge the Senate for daring to speak a word in its last expiring hours, to indicate that it is still a co-ordinate branch of the Government, and in favor of the dying liberty of the land? I ask, again, whom it is that you thus offer to stigmatize? On whom is this resolution to act? Against what body is your blow directed? What body will you brand with infamy, as the aristocratic branch of the Government? It is the Senate of the United States; your own Senate. That is the victim dragged out for immolation to the powers that be.

But this expunging process is defended by the gentleman from Virginia, on the ground that it is a great engine to maintain the cause of human liberty. And how does he attempt to maintain his position? Why, truly, because it was resorted to in England in support of the right of popular election. Ay? And will gentlemen seek to wrest out of the hands of the British whigs a weapon so powerfully wielded by them, but in a cause so different? For whom did they employ it? and against whom? Was it not used to protect popular rights? to guard the rights of popular bodies? the rights of the people and the rights of Parliament against the arbitrary power of the King and of the royal party in the House of Commons? Was it wielded for the whigs against the tories? or for the tories against the whigs? Let the gentleman answer. Yes; when the beams of liberty struggle out to day and gild the British history once in two hundred years, you find this process of expunging resorted to by our sturdy ancestors in their struggles with the Crown, and as an extreme measure, to resist the encroachments of lawless power; not, as here, to wipe out and obliterate forever the last effort for freedom. If the resolution of Parliament in the great Westminster election had been in favor of Wilkes, and against Mr. Luttrel, would it have been expunged? No, sir. It was because it was entered at the instance of Luttrel against John Wilkes, the Patroclus over whose body this fight for freedom was maintained; that was the reason of its expunction from the journals. And it forms one of the most ominous signs of the times we live in, that here, the most powerful engines wielded in the land of our ancestors in favor of popular rights, are all seized upon and employed for the increase and advancement of executive power. All that belongs to the people is invoked only to betray them. The people, the people, the voice of the people, gentlemen claim as their own. They cite every popular argument; and all for what? To hold up the cause of the many against the few; of the millions against the grasping power of the one? No, sir; no, no. All these mighty motive powers are called up to exalt the execu-

tive, and to put down the legislative power; to increase the power of the one against the rights of the many. They are brought forward to silence, for all future time, the voice of the Senate, whenever it shall be raised against the encroachments of power. Yes, sir, they seek to hang up *in terrorem* over your head, and in full view of every Senator, a scourge, to be applied without mercy to any who shall dare to use aught but the language of eulogy.

"Horribili sedere flagello,"

that is the fate which awaits him. It is to be set up by way of memento, to muzzle this body for all future time. No, sir, our voice must never be heard save in strains of adulation, and in chanting palinodes like that which has recently been furnished as a pattern to this body.

A gentleman, whose talents and intelligence I highly honor, has asked us to strip this matter of all the humbuggery which has been thrown around it. Well, sir, let us do so. And what is it, when thus denuded, but a bit in the mouth of this Senate, to bring it down when it becomes too restive for the taste or safety of those in power; so that the Chief Magistrate may, undisturbed by its curvettings, proceed to seize upon the national treasure, and repeal the decisions of the Supreme Court; and if any adventurous mouth shall dare to whisper he is acting against the constitution, such rashness may instantly be checked by the warning "hush! take care! remember the expunging resolution!—do you wish to bring us again under the discipline of the black lines?" I suppose the fac simile of that blotted and defaced page of our records will be fixed up in some conspicuous position above the seat of our presiding officer, so that when we would dare to think, to feel, and to speak, as freemen and American legislators, we may look up, and, beholding the awful monitor, may put our hands on our mouths, and our mouths in the dust, and repent, while it is yet time, all such presumptuous aspirations.

In other days it has often happened that successive Senates have differed from each other in opinions and policy, and have in like manner differed from the Executive, and each Senate has freely expressed its own sentiments. In regard to the United States Bank, for example, the opinions of this body have varied at different periods. The Senate, at one time, thought that bank constitutional; at another time, they thought it unconstitutional; a majority now consider it as a monster. Why not, then, expunge? Why not draw your black lines round that part of your journal which records the act by which that bank was chartered? The resolution against which your magnanimous wrath is now directed has done no harm. It has led to no action. It has brought no long train of evils on the country. But the charter of the Bank of the United States—what did not that effect? That was no empty declaration of opinion. It was a substantial act. And to what a long black catalogue of national calamities did it not in your opinion lead? If any thing is to be expunged, why not expunge that? It seems not to have entered the imaginations of gentlemen on the other side to draw their lines round that resolution. Yet the honorable Senator from Virginia believes most sincerely that the act was unconstitutional. He holds that it led to consequences greatly detrimental to the national good, and tells us that the President deserves the everlasting gratitude of the country for having abolished and destroyed the bank. Well, sir, if it is not fit in that case, how and why is it fit in this? Because this violates the rights of the people? So did that. Is this unconstitutional? So was the other. Is this derogatory to the feelings and wishes of the President? So was that. Is the Senate bound in duty to express its disapprobation of this act? Why not of the other? But is it really so great an offence to differ from the President on a constitutional question, insomuch that all traces of such a thing must be obliterated from our records? that it must be effaced—expunged—purged off? Why, sir, the President differs from us constantly on constitutional points; and both he and this Senate differ widely from President Washington on a constitutional point, viz: on the constitutionality of the Bank of the United States. Why is not the opinion of Washington to be expunged? Why not go back, and hold him up as a sacrifice? It has, indeed, in some sort, been already done. You have have not broken into the sepulchre of Mount Vernon, and dug up his bones and burnt them, like Wickliffe's, but you have immolated his name; his virtues, his glory, have been taken from him and transferred to another. Why not make your sacrifice complete? If the principle on which you act is jealousy for the honor and power of the Executive, why not, when former Presidents have sent us messages containing unconstitutional notions, expunge their messages from your archives? The President sent us a message in the panic session of 1834. How would gentlemen have taken it, had those who constituted the majority at that day proposed to expunge it from the records?

Both Houses of Congress have differed from other Presidents. Does any gentleman here dream of a leading member in either House under the Jefferson administration proposing to expunge any presidential opinion which did not correspond with his own? Or would any supporter of the wise, the grave, the sedate, the temperate, the forbearing Madison, ever conceive the notion that he was to be propitiated by effacing the records? Did he ever require his friends to depart from their public duties, neglect the exigencies of the public business, and address themselves to this most extraordinary method of silencing the indignation of a President? There was a great struggle in '98, and after a long course of most bitter and acrimonious party warfare, the republican party eventually triumphed, and came into power; but in the very heat of conquest, and still covered, as it was, with the sweat and the dust of battle, did it once enter into their heads to expunge from the public journals the acts of their predecessors? Or could it now occur to the minds of intelligent and honorable men that they are called upon to vindicate the ashes of the illustrious dead by removing from the national archives all traces of difference of opinion on the part of either House of Congress from the departed saviours of our country? Dare the honorable Senator from Pennsylvania rise in his place, and, with a reverend regard to yonder image of Washington, introduce a resolution to expunge whatever on our journal intimates a difference of opinion from that great man? Will he venture to look into that venerable and venerated countenance, * and make such a motion in this chamber? No, sir. His own heart tells him that the image would frown upon him from its frame, and, could it speak, would cry, Forbear. Destroy not your constitution. Dishonor not your own archives. Draw no black lines upon your journal on my account. Write no history for me. My history is written in a nation's eyes. I desire you to play off no mountebank farce for my glory; it is safe in the keeping of my countrymen. Yes, sir; such would be the language of Washington; and I well know that the honorable Senator from Pennsylvania has its response in his heart. And, sir, if we are not called to do this for the illustrious, great, and good, who have departed, shall we do it for the living, because he is powerful? Because he is the dispenser of office, who is to propagate his own system of policy through another generation, and to transfuse his own vital spirit into a living branch of the same stem? If this sacrifice was to be offered to the illustrious dead, whom history has already fixed in niches of imperishable honor, we might

* Mr. Buchanan sat opposite to the picture of Washington.

endure it with greater patience. But to a living man, and a man who can reward the deed, sir, I cannot look the thing steadily in the face. I protest to you that my inmost heart is bowed down at the thought with sorrow and shame.

But the deed is to be done. States have spoken. Whether the people of the United States have spoken might bear a question. Certainly many States have uttered their voice, whose right to speak I should be the last to question. That they have acted under mistaken views, I have not a doubt. The act is fraught with most dangerous consequences. It inflicts deep wounds on the dignity and the potency of this body; for I see in the countenances of many honorable gentlemen that they would gladly avoid this thing, and would, if they could, avoid the deed. I do believe that, in the very moment of inflicting the blow, their hearts will be haunted by the same emotions which fill and oppress my own. And while, under the pressure of dire necessity, they raise the axe, they feel prepared, like other executioners, first to ask pardon of the victim. Ay, sir, I believe that when it comes to the actual performance of the tragedy, there will be a secret whisper in their ear that will say to them, perhaps in this case our party feelings have pressed us a little too far. And when, after a solemn and mournful pause, the Secretary has performed his detested office, and has mangled the record of the Senate, will any here rise in his place and cry aloud, thus perish all traitors? Or will they not rather hang their heads, and, smiting on their breasts, heave mournful sighs over so hard a necessity? I shall witness it; and whatever I may feel, I shall feel nothing personally. So far as I am personally concerned, I can fold my arms in perfect coolness, and witness the deed without shrinking. All I feel now is for the Senate—is for the constitution—is for the country. I may cry wo, wo, to England, but not to me. In a moment I shall recover my self-possession, shall rise, shall rejoice, that it was my good fortune to have my name entered on the same page where the rights of this body were recorded, and that there, in company with the Senate's honor, it shall safely abide forever, in spite of your black lines.

Mr. RIVES followed, and addressed the Senate at great length in support of the resolution. [It appears that, from some cause unknown to the publishers, this speech was never reported.]

When Mr. RIVES had taken his seat,

Mr. MOORE rose and said: Allusions had been made by the Senator from Virginia [Mr. RIVES] to instructions by the Legislatures, in order to influence the votes of Senators relative to this very extraordinary procedure. And as the gentleman may have intended a compliment to Alabama by including her in his allusions, he felt it to be his duty to explain the character of her legislative action on this subject.

[Here Mr. RIVES rose and said he intended nothing special as regarded Alabama; his remark was intended to be general.]

Mr. M. resumed and said, although the explanation was satisfactory, yet, as he was up, he hoped he would be indulged in making a few comments only. He did not entertain the vain hope that he could add any thing to the interesting debate that had already occurred upon the resolutions now before the Senate; and, as one who intended to vote against them, he felt that he might well content himself with the argument and views that had been urged by others, not only on a former occasion, but the very able exposition with which the Senate was favored by the Senator from Kentucky [Mr. CRITTENDEN] on yesterday, and also by the Senator from South Carolina [Mr. PRESTON] to-day.

But the Senator from Virginia [Mr. RIVES] has not been able to see the force of any argument from that quarter. This is not unlikely. The peculiar situation of that gentleman, as connected with the question, was not well calculated to carry conviction to his mind. Yet others may well imagine, to say their argument was lucid and forcible would not do justice to those gentlemen. Sir, they were withering in sarcasm, eloquent and convincing in argument.

Mr. M. could not say how certain Senators, advocates for the black-line process, felt, but assured the President he himself was delighted, and could fain have wished that crowds of those who had dispensed with the trouble of thinking and judging for themselves upon great political questions, contenting themselves with transferring this important political privilege into the hands of others, to be exercised for them, had been present upon the occasion.

Mr. M. reminded his colleague that when these resolutions were first discussed at a former session, he and himself were found side by side, shoulder to shoulder, exercising their united influence in opposition to them, although at that time they had received the instructions of the General Assembly, commanding their vote in their favor; that his colleague and himself then followed the lead of that stern and inflexible, but much abused and slandered patriot and statesman, the honorable Senator from Tennessee, [Mr. WHITE,] who proposed an amendment, having for its object the repeal and rescinding the obnoxious resolution of the Senate, which censured the President, (and which they had not voted for,) thereby stamping it with the disapprobation of this body, and at the same time preserving the constitution inviolate.

We then thought this was all that could have been reasonably expected, and that this would do ample justice to General Jackson. We thought then, as he (Mr. M.) thought now, that this was not a legitimate subject upon which the General Assembly possessed the right to give instructions. To render instructions binding, the subject-matter must be constitutional and proper; they must not require the public servant to perform an unworthy or an immoral act; they cannot require him to violate the constitution of the land. That sacred instrument, which we have pledged ourselves to support by taking a solemn oath at your desk, requires the Senate to keep a journal of its proceedings, for the most important and valuable purposes. Among these were the following, viz: that our constituents and posterity may read and know our acts, in order that, if they be evil, we may receive merited censure, and if virtuous, that the journals may be resorted to as the means of defence and justification. To expunge, therefore, any portion of the journals of the Senate, to his mind, would be a most flagrant and palpable violation of that sacred instrument.

The appeal which his colleague and himself had made from the judgment of the General Assembly had been responded to by the people; a more mature deliberation had taken place as to the propriety of expunging the journals of the Senate, and at the two last sessions of the Legislature the effort was again renewed to repass the resolutions of instructions, in order to command our votes. They failed; they could not be forced through the Senate. Here was a triumph of principle over party spirit and party drill and discipline, in favor of the constitution and laws of the land. And now he was called upon again to vote upon the expunging resolution; his opinion remained unchanged; he should again vote against them, and he hoped again in company with his colleague, which he could not doubt. The instructions being withdrawn, he had great pleasure in voting under circumstances so strongly indicating the approval of the citizens of the State, as it was in accordance with the dictates of his own judgment and conscience.

Mr. M. said his colleague would recollect that when they returned to the bosom of their constituents, the same measure of justice had not been meted out to him

that his colleague had been favored with; that it had been his misfortune to have the vote referred to in opposition to the expunging resolutions made the subject of censure and denunciation, by a contemptible public meeting, called in the vicinity of, and doubtless at the instance of, a public functionary high in office in Alabama, a slave to the kitchen cabinet; and this meeting, composed of his slavish partisans, had the indecency and gross injustice to denounce and censure him for not obeying the instructions of the General Assembly; while his colleague, who gave the same vote, and made a longer speech against the right and propriety of the instructions of the Legislature, received laudatory resolutions. He (Mr. M.) would not say this was done on account of his colleague's vote on the expungng resolutions, but mainly, he presumed, for his support of those measures calculated to promote the success of the individual selected by General Jackson to succeed him. It was upon this subject that his difference in his official conduct from his colleague was so criminal. It matters not in these modern times of democratic republicanism how consistent and faithful a public servant may be, as regards principles and measures; this availeth nothing; he must advocate the caucus nominee; this was the only true test of merit; and although he had known the time when a great majority, perhaps nine tenths, of his constituents were with him on this very question, yet, by means of a borrowed capital, this obsequious nominee of the President and his office-holders had succeeded in obtaining the vote of the State.

He (Mr. M.) would bow with due submission to the will of his constituents, but he hoped his enemies would not succeed, by making up false issues, in their efforts to deceive the people. All he wished was sheer justice. While he was proud to be in company with those with whom he was associated on this question, he yet claimed to be a true republican, a Jeffersonian republican, a republican of the old school; and if he was not claimed as belonging to the democratic republican party, according to the modern acceptation of the term, which he believed meant nothing more nor less than a tame and servile submission to the will of one man, as regarded his favorite selected to succeed him, yet he claimed to have been a consistent advocate of all the great principles and measures which were proclaimed by the Chief Magistrate and his friends, in that memorable contest which resulted in his triumph, in which many of those who now seek to distinguish themselves as his (Mr. M's) political enemies and persecutors, were active and bitter in the ranks of General Jackson's opponents; and among these was the very individual who is now at the head of the party, who, as soon as victory had crowned our efforts, deserted his friends and his party, and proposed to enter in the service of the old hero, provided he could receive pardon for the past, and rewards for his future service.

Mr. M. said he had stated that he had given a liberal support to all the leading measures avowed by General Jackson and his friends in their contest for power. Among these were reform and retrenchment, as regarded the expenditures of this Government; opposition to that system of internal improvement which sought to tax one portion of the citizens of this country for the benefit of another, including the tariff; the policy relative to the Indians; the reservation of the elective franchise in its purity; opposition to the practice, so corrupting, of appointing members of Congress to office, &c.; and he challenged his political enemies to point their finger to any instance in which he had not faithfully sustained all these great principles; and although he and his friends had been proscribed, he could view his course without regret, and with an approving conscience, which he would not exchange for all the satisfaction his enemies might enjoy for their vindictive persecution. He hoped, at some future day, that justice would be awarded to him which is now withheld.

If he had come here to get office for himself or his friends, and, looking to that object alone, had forgotten the interest of his constituents, he might easily have supported, as others did, every measure of the administration, right or wrong. He might have sustained the Chief Magistrate in the extraordinary prerogative of nominating his successor, and in that equally dangerous, but more unworthy and contemptible object of mutilating the journals of the Senate.

But the black-line process was not original with the mover, the Senator from Missouri, [Mr. BENTON.] The resolution, as originally introduced, proceeded boldly to the object. He was sorry to say this metaphorical mode of expunging emanated from Virginia. He deeply regretted it. He had been taught to entertain for that renowned State the highest respect; but this was a project which sought to do that by indirection which the friends of the measure did not dare do by direct means. The modification, therefore, was far from recommending the measure to his favor.

Mr. NILES asked for the reading of the resolution, omitting the preamble; which having been read by the Secretary, Mr. N. said that he had some thoughts of moving to strike out that part of the resolution which related to the black lines, which seemed to disturb the feelings of honorable Senators so much. He had no partiality to that part of the resolution, and should prefer that the process or mode of expunging should be omitted. But the resolution was so drawn that he could not well move to amend it; and as he was not very solicitous about that part which relates to the black lines, one way or the other, he should not make the motion. What he esteemed as the essential and substantive part of the resolution, or what the lawyers call the gist and gravamen, the pith and substance of the whole, would stand as well, and answer the purpose intended quite as effectually, without the part relating to the black lines. He considered that the sum and substance of the whole consisted in that expressive and appropriate word, "expunge"—that he could by no means consent to part with; it was the word which he liked, and which the people seemed to like. It had become a very popular word of late, and it expressed fully and completely what was intended to be done; but the form of doing it was of little consequence with him. Whether it was done typically or physically, or by drawing black lines around the obnoxious resolution, or by the legal import, efficacy, and effect, of the word "expunge," was with him a matter of indifference. He looked at the substance, and not the form; and the object aimed at was to purify our journal, by removing from it the obnoxious and unconstitutional resolution of March, 1834, or to place upon its face the mark and stamp of reprobation.

I am, however, sorry, said Mr. N., that those black lines have had so serious an effect on the imaginations of honorable Senators. They seem to have filled their imaginations with all sorts of dark and sombre images, and to have cast so dark a shade, so thick a gloom, over the subject, that they cannot illustrate their ideas in any other way than by reference to those solemn ceremonies, those mournful and sacred rites, which comprise the last duties that man, in this mortal world, performs for his fellow-man. This expunging business, it seems, has at last become a sort of funeral ceremony. Well, sir, if this is so, if this matter has become so solemn and sorrowful, he hoped it might be a monitory and useful lesson to us all, individually and collectively, as a striking and impressive example of the instability and mutations of all things in this world, whether public or private. Sir, this solemn scene, which is now compared to a funeral ceremony, is only the sequel of a scene of

quite an opposite character. The proceedings, sir, under the resolution which it is now proposed to expunge, instead of resembling the most solemn and sorrowful of all earthly rites, was of the most joyous character; it was a great national jubilee, which continued from day to day, and week to week, for more than three months.

The trial and condemnation of the President, the denunciatory speeches, and the whole process of panic-making, was a very animating and ignoble business: there were no black lines then to disturb gentlemen's imaginations, or fill them with gloomy visions; the scene was lively and animated, full of high hopes, and characterized by fierce conflicts of party strife and contention. But now comes the end. How great the change? Those black expunging lines have cast so gloomy a shade over the whole subject, that they can be compared only to the solemn pall. Well, sir, if this last act in this long drama must be compared to a funeral ceremonial, he thought there was no difficulty in assigning to each actor his part. The resolution of March, 1834, which is to be expunged, is the corpse; the black lines to be drawn around it are the pall; and his friend from Kentucky, [Mr. CRITTENDEN,] it is evident from his speech yesterday, was prepared to act as officiating priest, and the gentleman from South Carolina who has just addressed us [Mr. PRESTON] will be associated with him; if we look around this hall, it will not be difficult to discover the relatives and the mourners. The priests have already performed their part, they have praised the dead, and admonished the living; we have heard their fervid invocations, and their rehearsal of the solemn dirge.

Mr. President, we have been told, in the eloquent speech of the Senator from South Carolina, [Mr. PRESTON,] that the resolution before us, and the whole expunging proceeding, is intended to operate against the Senators who voted for the resolution of March, 1834; that it is they who are to be expunged from the Senate; that they are arraigned, put upon their trial, and are to be condemned and offered up as victims to exalt and honor the President. He asserts that he is one of the number, and is prepared for the sacrifice, and calls on the executioners to come forward and strike the deadly blow. Having placed the question in this light, considered himself and his friends as the accused, and voluntarily taken the criminal's seat, it was to have been expected that we should have heard something partaking of the character of a defence. That gentleman appears to have been selected as the counsel of the accused, and, considering his acknowledged ability, he (Mr. N.) had expected an able defence; for one, he had indulged the hope that if he had not been able to make out a complete justification, he would at least have shown such circumstances of extenuation, which, if they did not produce a verdict of acquittal, would at least have induced the triers to have recommended the accused to mercy, or to some mitigation of the severity of the punishment. But in these reasonable expectations he had been disappointed. What sort of a defence have we witnessed? Why, sir, the gentleman, after having voluntarily assumed the criminal's seat, immediately changed the character of an accused to an accuser; he at once becomes the prosecutor, and attempts to defend his own acts, by boldly denouncing the conduct of others. In the first place, he arraigns and brings before the bar of the Senate, for condemnation, a large number of the sovereign States of this Union; all the States, and there was not less than eleven, and he believed more, which have instructed their Senators to vote to expunge the obnoxious resolution of March, 1834, are boldly denounced. His own State was one of the number; a very small and unimportant member of the confederacy, yet jealous of its rights and honor; one of the good old "thirteen" which carried the country safely through the Revolution; "God bless them," if I may be permitted to repeat a declaration, often used, of a distinguished gentleman of Virginia, now no more. The Legislature of his State, by a very large majority, about two thirds, he believed, had passed resolutions condemning the resolution of the Senate of March, 1834, as false in point of fact, unconstitutional, an unwarrantable assumption of power, and dangerous to the liberties of the country. For this act, his State, with others, was arraigned, ridiculed, and condemned. And what is it that these States have done, that they are denounced, and their Legislatures treated as no better than so many caucuses? They have had the independence, and felt it to be a duty, to express an opinion concerning an act of one branch of this Government, and to pronounce it unconstitutional and dangerous. Is a proceeding of this description to be denounced as factious, a mere caucus movement, and that, too, by the great champion of State rights? Is there no example for this measure on the part of the States? Has the Senator forgot that memorable crisis in our political history, when many of the States, following the lead of the "Ancient Dominion," which the Senator has attempted, in an especial measure, to hold up to scorn and contempt, declared an act of Congress to be unconstitutional, and dangerous to the rights of the States and the liberties of the people? In their bold and patriotic course then they were sustained by the people, as they have been and will be now.

The next point in the defence consists in a general denunciation of the people. Mr. N. said he hoped he might be excused for alluding to the people of the States; for notwithstanding, on another occasion, the honorable Senator from South Carolina [Mr. PRESTON] seemed to doubt their existence, still he thought that as yet they were not entirely excluded from our political system. They still form an element of political power. He was not surprised at the sneers and the contemptuous manner in which the people and popular opinion had been spoken of; but he was somewhat astonished at the effort to hold up the Legislatures of the States to contempt, coming from the quarter that it did: from a professed advocate of State rights, who seemed to regard all political power as rightfully belonging to the constituted authorities of the States.

The able and eloquent advocate of the accused, still acting as public prosecutor, next arraigns the majority of the Senate. This seems to be an important point in his defence. We are charged with a bold and daring violation of the constitution, and of being ready to immolate, on the shrine of party, the liberties of our country; of humbling and degrading the American Senate at the feet of the Executive, and to bestow the homage of our adoration on the President. Sir, we deny the charge; we repel and throw it back on those from whom it comes. It is not our purpose to exalt the President at the expense of the Senate; it is not our purpose to humble or disgrace the Senate; far from it. Our object is directly the reverse: we seek to remove the disgrace which was cast upon it by a former factious majority; we wish to restore its tarnished honor, to purify its journals, to regain that confidence in the public opinion which it had lost.

It is also said, we are thirsting for the blood of the victims; that we are now demanding judgment and execution against them. But from whom does this demand come? who is it that is praying for execution? Is it the majority here, or is it the States and the people? Do we not faithfully represent their will? Sir, it is the States and the people who have come up here, and are demanding judgment and execution; they have decided this question; they have given in their verdict, and they now demand execution; they demand it in a voice that

cannot be misunderstood, nor safely disregarded. But we are told that the expressions of public opinion in support of the expunging process, whether by the Legislatures or the people, have all resulted from party; that it is all the miserable and dirty work of caucuses and party machinery, which have been brought to bear on the question. This is the common slang of those who defy public opinion, or who have become obnoxious to its censures. But if there has been any thing of party in this matter, and he was not disposed to deny that there had, from whence did it originate? Did it commence with the expunging resolution? or with the resolution of March, 1834? Sir, what was the obnoxious resolution, and the whole proceeding under it, but the work of party? It was a party measure, and so regarded by all parties and all classes at the time; it was the work of party at a time of great excitement; it was something more than party—it was faction, the very madness of party. And is it to be wondered at that the opposition to a violent party measure should partake, in some degree, of a party character? How could it be otherwise? The original measure was designed to effect political purposes; it was intended to overthrow the administration; to aid the bank in the work of agitation and panic-making. The charge of party comes with an ill grace from the authors of the proceedings of 1834.

What further have we heard in defence of the extraordinary measure of the Senate in 1834; a proceeding considered by a large majority of the people as unconstitutional, irregular, and highly dangerous, and which agitated the country from one extreme to the other; aroused the most violent passions, destroyed credit, and occasioned a general panic? What have we heard in relation to the merits of the resolution of 1834, and in justification of the proceedings of the Senate? He alluded rather to the debate of the last session than the present, as nothing having even the appearance of a justification of those proceedings had been witnessed in this debate. Sir, since the commencement of the discussion of the resolution before us, the principal if not the only ground of defence which had been relied upon, and which had been pressed upon the Senate with so much zeal and such an array of talent, was nothing more than a poor, miserable, contemptible plea in abatement, founded upon a pitiable quibble upon the little word "keep." Surely gentlemen were under great obligations to that little word, as it appeared to be the only thing there was to keep them in countenance. He did not propose an argument in the case, and certainly should not go into one on this question of abatement. It was not suited to the dignity and gravity of the subject, but much more fitting some petty cause before a justice's court. It would compare with a question he had heard before a justice's court in his own State, which was, whether the wife of the defendant could be admitted as a witness; the point was learnedly argued, and the magistrate took time for consideration, and finally decided that she could not be admitted as a witness, yet he would permit her to testify as a circumstance. Pleas in abatement were not favored in courts, and they had much less claims to favor in a deliberative assembly. The Senate has no jurisdiction! This is the defence. But if we have no jurisdiction of this matter, there must be jurisdiction somewhere. There can be no great political question in this country in which there is not a tribunal competent to decide it. If there is no other, there is the tribunal of public opinion; and it is there this question has been considered and decided. The Senator [Mr. PRESTON] seems to admit that the question has been decided, and that all which remains is to enter up judgment and do execution.

But he was sorry to see gentlemen take shelter under this plea in abatement. Why do they not come up to the merits of the case, and put themselves on their country? Guilty, or not guilty: that is the issue. Do they deny the facts charged, or do they justify them? And what is the justification? It was one of the most extraordinary justifications he had ever witnessed. We have heard little of it now; but the two distinguished gentlemen who addressed the Senate last session, with all their zeal, industry, and ability, had not been able to assume any other ground of justification than the very extraordinary one, that the resolution of 1834, and the proceedings under it, meant just nothing at all; that they were totally without meaning, object, or purpose. The resolution, we are told, charges no crime or offence whatever upon the President. It was a mere expression of our opinion, but imparted no censure, and no condemnation of the acts of the President. It was nothing more than a declaration that the President had made a mistake; that the honest old soldier was not so good a constitutional lawyer as some of the great expounders of the constitution in the Senate; he meant well, his motives were good and patriotic, but, with the most honest purposes, he had fallen into error; or, as they say of the King in England, he had been badly advised; his advisers or cabinet had misjudged as to the constitution and the laws. To this very extraordinary justification he would only say, that if the majority of the Senate in 1834 were not in earnest, if they meant nothing by their proceedings, they very much deceived their friends and partisans throughout the country, who really took them to be in earnest. They really thought that the trial of the President, which was going on here for more than three months, meant something; and they were certainly in earnest; no men ever labored with more zeal, industry, and perseverance, than did the bank partisans throughout the country, in the business of agitation and panic-making. With their fears aroused, their passions inflamed, their hopes excited, impelled and hurried on by a general excitement, they became almost frantic, and actually worked like men putting out fire. He thought it a pity that the majority of the Senate had not at the time let their friends know that they were not in earnest; that they did not intend to charge the President with any thing wrong. Had they done this, they might have saved to their own partisans, and those of the bank, much time, money, and trouble.

But is this account of the proceedings of 1834 consistent with the conduct of the majority of the Senate at that time? Is it consistent with the speeches made on that occasion, or any part of the proceedings? Was the Senate then told that the President had only fallen into a mistake as to his constitutional powers? Far, very far from it. Sir, the whole debate, the entire proceedings, which occupied the Senate for nearly four months, all rested on the ground that the President was a tyrant, a usurper; that he had trampled under foot the constitution and laws, invaded the rights of Congress, and endangered the liberties of the country. These were the topics which served to exasperate and inflame the public mind to a state bordering on madness. Here it was that the spirit of violence was wrought up to its highest pitch, from whence it was disseminated throughout the country. Here it was that the people were taught to denounce the President as a military despot, a tyrant, and usurper, who, possessing the sword, or the command of the military force, had, by a most lawless and daring act, seized upon the national purse; and, by uniting the two elements of power, was setting the laws at defiance, and trampling in the dust the liberties of the country. This hall was then the great laboratory of agitation and panic-making. Here the country was told, by the very author of the resolution which, it is now said, charged no crime on the President, and really meant nothing at all, "that we are in the midst of a revolution, hitherto bloodless,

but rapidly tending towards a total change of the pure republican character of the Government, and the concentration of all power in the hands of one man. The eyes of the American people are anxiously turned towards Congress; they feel that they have been deceived and insulted, their confidence abused, their interests betrayed, and their liberties in danger; they see a rapid and alarming concentration of power in one man's hands; they see that, by the exercise of the positive authority, and his negative power exerted over Congress, the will of one man alone prevails and governs the republic. The question is no longer what laws will Congress pass, but what will the Executive not veto? We already behold the usual incidents of approaching tyranny; the land is filled with spies and impostors, and detraction and denunciations are the orders of the day. People, especially official incumbents in this place, no longer dare to speak in the fearless tones of manly freedom, but in the cautious whispers of trembling slaves. The premonitory symptoms of despotism are upon us; and if Congress do not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die—ignobly die—base, mean, and abject slaves, the scorn and contempt of mankind, unpitied, unwept, and unmourned."

Such were the dreadful consequences which were to follow from the act of the President which we are now told was nothing more than an error or mistake as to his constitutional powers. Sir, the speech I have referred to, and all the speeches in support of the resolution of March, 1834, treated the removal of the deposites as a lawless outrage, a daring invasion of the rights and liberties of the people. Then the impeachment resolution was not spoken of as a mere expression of opinion, but gentlemen boasted that the President had been arraigned, tried, and found guilty. The Senator from South Carolina [Mr. PRESTON] need not be reminded of his having publicly declared, in the city of the bank, that "Jackson had been arraigned, found guilty, and condemned. He, like the Legislature, has appealed to the country; and, fellow-citizens, you are the country. In you be the verdict, whether the issue of the contest be despotism or a free Government." How does this language compare with what we now hear. The Senator now says that the resolution of 1834 did no harm; that it amounted to nothing, and was a mere expression of an opinion; and asks for the reasons why it shall be expunged. Sir, that resolution is a sentence of condemnation against the President, false in point of fact, irregular in point of form, and in open violation of the constitution. Does it not charge the President with criminal conduct? It asserts that his acts were in violation of the constitution and laws, or in derogation of them, which is the same thing. And is it not a high misdemeanor, and a crime, for the Chief Executive Magistrate to violate the constitution and laws of his country? Is it not a gross abuse of his official trust? And are we to be told that no bad motive is charged in the resolution? This cannot alter the case. We are to look at the substance of the charge, and not the form. Does not the charge against any person, and especially the Chief Executive, of violating the constitution and laws, import a criminal purpose? What was it but an alleged violation of the constitution and laws on the part of the Executive of that country, which led to a civil war in England? What was it but a violation of the constitution and laws which led our patriotic ancestors to resist the inroads of power in '76? Sir, there can be no higher crime charged upon the Executive of any country, than the violation of the constitution and laws.

But it is said, that if this resolution can be expunged, any part or the whole of the journal may be expunged, and that the expunging process may be extended to the records of the Supreme Court. There may be other reasons to justify the expunction of this resolution, but I place it on the ground that the proceeding was not only irregular and unconstitutional, but altogether beyond the jurisdiction of the Senate, and totally void; and the record no better than an interpolation upon our journals.

It is, however, asked, where is the necessity and what is the object of expunging the resolution of 1834? I can answer this for myself, and for myself only; other gentlemen may have different reasons, but there are two which are sufficient for me. The first is, that it is due as an act of simple justice to the party injured, who has been arraigned, tried, and condemned, unheard, and in violation of all the forms of the constitution, and the established rules of judicial proceedings. I know it is asserted that the whole purpose is to exalt still higher the name and fame of the President, to enable him to triumph over a humbled and degraded Senate, and to make him an object of almost divine adoration. Sir, this is not my purpose; I believe it is not the purpose of any one; so far as the President was regarded at all in this matter, we seek only to do him justice, the same justice, and no more, which the humblest individual in the country would be entitled to at our hands. If a sentence of condemnation has been recorded against him, false in point of facts, and illegal and unconstitutional in point of principle, does not justice require that it should be removed? Are not the rights of the Chief Magistrate as dear to us, and as much entitled to protection, as those of a private citizen? Sir, if the President was as bad as he has been represented to be, by imbittered partisans—which we all know is bad enough—if he was as great a tyrant as he has been charged with being, if he was another Cæsar, or Cromwell, a military chieftain, hostile to the principles of free government, and prepared to trample into the dust the liberties of his country, still he would be entitled to justice; and if a sentence had been falsely and illegally recorded against him, it ought not to be permitted to stand. Sir, gentlemen are altogether mistaken when they assert that this proceeding is designed to honor the President; it is only intended to do him justice.

But there is another, and, in my mind, a very strong and cogent reason, why the obnoxious resolution of 1834 ought to be expunged. It is a dangerous example, and, if suffered to to acquire the character of a precedent, might unsettle and derange our whole political system. It has a direct and unavoidable tendency to array and bring into conflict one independent and co-ordinate branch of the Government with another independent and co-ordinate department. If one independent branch of the Government can, in a way not known to the constitution, accuse, try, and condemn, another independent branch, does it not tend to bring on a conflict between them? Each will have his friends and partisans, the people will take sides, and the whole population become involved in the controversy. If the Senate can, by its direct action, examine into and condemn the conduct of the Executive, and promulgate sentence against him, it can do the same in regard to the House of Representatives, or the Supreme Court. The President is as independent, and as distinctly a co-ordinate branch of the Government, as is the Judiciary. If the Senate can by resolution try and condemn the President for any executive act or measure, the President may, by proclamation or otherwise, pass sentence of condemnation against the Senate, or House of Representatives, or the Supreme Court. Sir, this doctrine will not do; it is not the doctrine of the constitution; one independent department of the Government cannot inquire into and pass sentence of condemnation against the acts of another independent department, except so far as the constitution has allowed it to be done, and according to its forms. This example,

if permitted to stand, will be a dangerous breach in the constitution. A distinguished political writer in England, (Lord Bolingbroke,) in speaking of the constitution of that country, says: "We understand our constitution to be in danger, not only when it is attacked, but as soon as a breach is made by which it may be attacked; and we understand this danger to be greater or less, in proportion to the breach that is made, without regard to the probability or improbability of an attack."

But to show the danger of these conflicts between the different departments of the Government, he would refer to the history of that country from whence our ancestors came, and brought with them the great principles of our free institutions. If we look into the long controversy which preceded the civil war, it will be found to have sprung from the very principle contained in the resolution of 1834: the right of one independent branch of the Government to try and condemn the acts of another. He would beg leave to refer the Senate to Whitlocke, who was an actor in those scenes, a member of Parliament, he believed an officer of the army, and a chronicler of the events of his own times. He says, "it is strange to note how we have insensibly slid into the beginning of this civil war, by one unexpected incident after another, as waves of the sea, which have brought us this far, we hardly know how; but from paper combats; by declarations, remonstrances, protests, votes, messages, answers, and replies, we are now come to the question of raising forces, and naming a general and officers of an army." We are here told, by an actor in those bloody scenes, that it was a paper warfare, carried on between the Parliament and the Executive, which involved that country in all the horrors of a civil war; which armed father against son, and brother against brother; which depopulated its towns, desolated its fair fields, and stained their soil with the blood of Englishmen. These lessons of history, written in characters of blood, should not be lost on a free and intelligent people. It was, in his opinion, not more on the account of the injustice, flagrant as that was considered, than the dangerous tendency of the proceedings of 1834, which has roused up the spirit of the country against them. It is the danger of such a precedent, rather than its unconstitutional character, which has brought upon the resolution in question so marked a reprobation. On a recent occasion he attempted to assign the reasons which had attached, for nearly half a century, a high degree of opprobrium to the sedition law; and asserted that the reprobation of that act did not arise so much from its being regarded as unconstitutional, as from its dangerous character, and its being considered as a deadly blow aimed at public opinion, the essential element of our Government. It is the same with respect to the resolution of March, 1834. The people have regarded it as dangerous and pernicious; they have regarded the whole proceeding of the Senate as factious and violent, fraught with mischief and danger to our institutions, calculated to lead to commotion and recrimination between the different departments of the Government, which may result, as was the case in England, in rancorous dissensions, and even in civil war. Under the influence of sentiments like these, they were not content that the dangerous precedent should remain upon your records, and now demand at our hands that it shall be removed or expunged.

Sir, the honorable Senator from Kentucky [Mr. CRITTENDEN] has informed us that those of us who may vote for this resolution will have a fair chance for immortality; that our names would be as imperishable as the black lines, and seems to insinuate that both are destined to be damned to everlasting fame. But if there is any immortality connected with this matter, I am sure the gentleman and his friends will come in for a full share, and something more. They will, indeed, be double sharers in the harvest of immortal fame, for the proceedings on the resolution of 1834 are destined to the same immortality as those on the resolution now before the Senate. In those proceedings, too, the field was vastly more ample, and all will be entitled to come in for some share in the glory and fame which is to be borne down the tide of time to the latest posterity. Even the vast host of witnesses who came up here in the form of petitioners, to testify against the President and for the bank, will share in the immortality, as I believe their testimony was all published with their names, making five large volumes. Here, sir, is a golden harvest of fame for the partisans of the bank, who either volunteered as witnesses, or promptly came forward at the request of their honorable friends in the Senate.

And in regard to this proceeding, he did not see but that those who oppose the resolution would have the same chance for immortality as those who support it; the nays will be recorded on the same page with the yeas, and both go down along with the black lines to posterity. All will have an equal chance of immortality from this day's work; but whether it will be of honor or dishonor, and to which of us one or the other, remains to be known. As was said by a popular writer, Judas is as well known as Paul, but history ascribes his fame to very different actions. Having discharged what we believe to be our duty, the whole subject, the black lines and all, will be handed over to those who are to succeed us, and it will remain for posterity to decide who is right and who is wrong, and to award to each and all their share of the honor or infamy which belongs to the transaction. He was content with this; he rejoiced that it should be so; he rejoiced that the deeds of this day, that the merits of this long and painful controversy, will have to be decided upon by posterity, when all the angry passions which it has engendered will have subsided, when it can be viewed calmly and dispassionately, when the judgment will be free from personal prejudice or party rancor, and when the transaction can be viewed with a single eye to the great principles involved. The decision thus made will be final; from it there will be no appeal, and all must acquiesce.

Although he could not view the present proceeding in so solemn a light as some gentlemen seemed to regard it, he thought he was fully sensible of its importance, and of the responsibility which belongs to it. He had considered the matter long and well, and, so far as concerned himself, he was prepared to assume the responsibility. He could not doubt the power of the Senate to purify its journal, by removing from its pages a resolution which ought never to have been entered there; and, believing that we have the power, he considered it our duty to exercise it. Not being willing (said Mr. N.) to detain the Senate longer, I will say, in conclusion, that, with these views of the whole subject, I am prepared to stake what little of reputation I have, either here or elsewhere, on the final issue of the question before us. I am prepared to record my vote in favor of this resolution, and to permit it to go down along with the black lines to posterity, and abide their impartial judgment. I am prepared to vote to purify our journal, to erase, obliterate, blot out, or expunge, the obnoxious resolution—any way, to remove it from our records. Nay, more: had I, like the prophet of old, the gift of divination, I would raise my voice on high, and devoutly invoke that Being in whose hands are the destinies of nations, who is the searcher of all hearts, and in whose presence we all stand, to send fire from heaven and consume the desecrated page.

Mr. MOORE said that the appropriate suggestion with which the Senator from Connecticut [Mr. NILES] had closed his speech, brought to his mind a very important and useful amendment, the propriety of which he

had no doubt would be evident and obvious to that Senator, and he would beg leave to recommend its adoption to the friends of this black-line resolution, viz: that this record of the Senate's proceedings, made and preserved by the requirements of the constitution, shall be destroyed by fire to be extracted from heaven by means of a sun-glass. For this he believed they might plead something like a precedent from the General Assembly of Georgia. He thought this would complete the farce.

Mr. SOUTHARD having expressed a wish to speak on this subject at a proper time, and when the minds of Senators were not exhausted, moved that the Senate do now adjourn. Negatived, by yeas 20, nays 21; the yeas and nays having been ordered on the call of Mr. BENTON.

Mr. SOUTHARD then declined speaking at so late an hour.

Mr. MOORE moved and urged an adjournment, that proper opportunity might be given for further debate. Negatived: Yeas 20, nays 22.

Mr. CALHOUN then rose and addressed the Senate nearly as follows:

The gentleman from Virginia [Mr. RIVES] says that the argument in favor of this expunging resolution has not been answered. Sir, there are some questions so plain that they cannot be argued. Nothing can make them more plain; and this is one. No one, not blinded by party zeal, can possibly be insensible that the measure proposed is a violation of the constitution. The constitution requires the Senate to keep a journal; this resolution goes to expunge the journal. If you may expunge a part, you may expunge the whole; and if it is expunged, how is it kept? The constitution says the journal shall be kept; this resolution says it shall be destroyed. It does the very thing which the constitution declares shall not be done. That is the argument, the whole argument. There is none other. Talk of precedents? and precedents drawn from a foreign country? They don't apply. No, sir. This is to be done, not in consequence of argument, but in spite of argument. I understand the case. I know perfectly well the gentlemen have no liberty to vote otherwise. They are coerced by an exterior power. They try, indeed, to comfort their conscience by saying that it is the will of the people, and the voice of the people. It is no such thing. We all know how these legislative returns have been obtained. It is by dictation from the White House. The President himself, with that vast mass of patronage which he wields, and the thousand expectations he is able to hold up, has obtained these votes of the State Legislatures; and this, forsooth, is said to be the voice of the people. The voice of the people! Sir, can we forget the scene which was exhibited in this chamber when that expunging resolution was first introduced here? Have we forgotten the universal giving way of conscience, so that the Senator from Missouri was left alone? I see before me Senators who could not swallow that resolution; and has its nature changed since then? Is it any more constitutional now than it was then? Not at all. But executive power has interposed. Talk to me of the voice of the people! No, sir. It is the combination of patronage and power to coerce this body into a gross and palpable violation of the constitution. Some individuals, I perceive, think to escape through the particular form in which this act is to be perpetrated. They tell us that the resolution on your records is not to be expunged, but is only to be endorsed "Expunged." Really, sir, I do not know how to argue against such contemptible sophistry. The occasion is too solemn for an argument of this sort. You are going to violate the constitution, and you get rid of the infamy by a falsehood. You yourselves say that the resolution is expunged by your order. Yet you say it is not expunged. You put your act in express words. You record it, and then turn round and deny it.

But what is the motive? What is the pretext for this enormity? Why, gentlemen tell us the Senate has two distinct consciences—a legislative conscience, and a judicial conscience. As a legislative body we have decided that the President has violated the constitution. But gentlemen tell us that this is an impeachable offence; and, as we may be called to try it in our judicial capacity, we have no right to express the opinion. I need not show how inconsistent such a position is with the eternal, imprescriptible right of freedom of speech, and how utterly inconsistent it is with precedents drawn from the history of our British ancestors, where the same liberty of speech has for centuries been enjoyed. There is a shorter and more direct argument in reply. Gentlemen who take that position cannot, according to their own showing, vote for this resolution; for if it is unconstitutional for us to record a resolution of condemnation, because we may afterwards be called to try the case in a judicial capacity, then it is equally unconstitutional for us to record a resolution of acquittal. If it is unconstitutional for the Senate to declare before a trial that the President has violated the constitution, it is equally unconstitutional to declare before a trial that he has not violated the constitution. The same principle is involved in both. Yet, in the very face of this principle, gentlemen are here going to condemn their own act.

But why do I waste my breath? I know it is all utterly vain. The day is gone; night approaches, and night is suitable to the dark deed we meditate. There is a sort of destiny in this thing. The act must be performed; and it is an act which will tell on the political history of this country forever. Other preceding violations of the constitution (and they have been many and great) filled my bosom with indignation, but this fills it only with grief. Others were done in the heat of party. Power was, as it were, compelled to support itself by seizing upon new instruments of influence and patronage; and there were ambitious and able men to direct the process. Such was the removal of the deposites, which the President seized upon by a new and unprecedented act of arbitrary power; an act which gave him ample means of rewarding friends and punishing enemies. Something may, perhaps, be pardoned to him in this matter, on the old apology of tyrants—the plea of necessity. But here there can be no such apology. Here no necessity can so much as be pretended. This act originates in pure, unmixed, personal idolatry. It is the melancholy evidence of a broken spirit, ready to bow at the feet of power. The former act was such a one as might have been perpetrated in the days of Pompey or Cæsar; but an act like this could never have been consummated by a Roman Senate until the times of Caligula and Nero.

Mr. CLAY inquired whether the question involved both the preamble and the resolution.

The CHAIR said it embraced the whole subject-matter.

Mr. CLAY having enumerated some of the topics on which he had designed to speak, relating to this resolution, gave way to

Mr. MOORE, who again moved an adjournment: Ayes 22, noes not counted.

So the Senate adjourned.

SATURDAY, JANUARY 14.

NATIONAL BANK IN NEW YORK.

Mr. TALLMADGE presented a memorial from the board of trade in the city of New York, praying the creation of a national bank, to be located in that city.

Mr. T. said he presented this memorial at the request of the committee deputed by the board of trade to con-

vey it to Washington. The memorialists stated that in consequence of the derangement existing in the currency and exchanges of the country, it was important that a national bank should be created by Congress. They entertained the opinion that that was the only remedy for the evils growing out of that state of things. They prayed that Congress would create such an institution, according to the plan set forth by the President of the United States in his message of 1832. Whilst he (Mr. T.) bore testimony to the high character of the gentlemen composing the board of trade, and who had sent the memorial here, he felt it due to himself to say that he did not concur in the views of the memorialists on the subject. His views had been often expressed, here and elsewhere, so that it was unnecessary that he should say any thing on the subject.

The memorial was referred to the Committee on Finance.

TEXAS.

The resolution offered yesterday by Mr. DAVIS, calling on the President of the United States for copies of any correspondence which may have passed between him and General Santa Anna, or any other of the authorities of Mexico, in relation to the independence of Texas, being under consideration—

Mr. GRUNDY suggested the propriety, under existing circumstances, of letting it lie for a few days, unless the honorable mover had some special reason for urging its immediate adoption.

Mr. DAVIS remarked, that as General Santa Anna was said to be now on his way to this city, with some purpose relating to the independence of Texas, it was to be presumed that some communications on the subject had passed between him, or other authorities of Mexico, and the President. It was desirable that such correspondence, if any had taken place, should be seasonably in the possession of the Senate, but he was willing to let the resolution lie till Monday; and it was accordingly laid on the table.

THE PUBLIC LANDS.

On motion of Mr. KING, of Alabama, the Senate proceeded to the consideration of the bill prohibiting sales of the public lands, except to actual settlers and in limited quantities, as amended by the Committee on Public Lands.

Mr. WALKER said, the great principle contained in the bill now under consideration was to arrest monopolies of the public lands, and limit the sales to settlers or cultivators. The adoption of this measure would have a material influence upon the revenue of the Government and the prosperity of the country. Before investigating the details of the bill, it would be proper to examine the preliminary question, whether the great principle upon which the bill reposes is such as to recommend it to the favorable consideration of the American Senate. So long as Congress offers for sale hundreds of millions of acres of land, with no limitation upon the extent of the purchase, vast quantities of these lands must pass into the hands of a few capitalists, thus authorized and invited by the Government to make the purchase; and when these capitalists confined their operations to the acquisition of lands unoccupied by any settler, it was clearly erroneous to denounce such speculations during the continuance of the existing system. It was the system that was wrong; and so long as it was continued, any denunciation of those who purchased large bodies of the unoccupied public lands was worse than ridiculous. Such purchases had been made, and would continue to be made, by many respectable citizens, in accordance with the invitation of the Government; and any denunciation of such purchasers would only react upon the Congress which adopted the existing system, as well as every succeeding Congress which refuses its repeal or modification. But the question recurs, does this system best promote the prosperity of the American people? and shall we continue to invite and encourage the monopoly of the public lands by a few individuals, or so amend the existing system as to sell the public lands only in limited quantities, sufficient for farms or plantations, and thus reserve for these great and useful purposes this noble public domain? Whether these lands shall thus be reserved for sale only for settlement or cultivation, or whether they shall be permitted to pass into the hands of a few individuals, by townships, counties, and even entire States, in a single year, is the true question which we must determine.

The evils of the existing system were only fully developed during the past year and that which preceded it. By the returns from the Land Office, the sales, exclusive of those at Pontotoc, Mississippi, during the first three quarters of the past year, amounted to $20,063,430, and the number of acres sold to 15,934,430. Thus, upon the same ratio, the sales of the year 1836 amounted to twenty millions of acres, and upwards of twenty five millions of dollars; and, including the sales at Pontotoc, to more than twenty-one millions of acres, and more than twenty-seven millions of dollars. In a single year, thus, a portion of the public domain has been sold, nearly equal in superficial extent to the great State of Ohio, and exceeding the superficies of five New England States, containing more than two millions of people. In this manner, entire States are swept in a single year into the hands of speculators, who may thus exercise a greater control over the destiny of these States, for half a century to come, than the national and State Legislatures combined. Can any system be devised more destructive of equal rights and republican principles? In vain shall we have struck down the feudal system, with its accompanying relation of lord and vassal, if we create and continue here this worse than feudal vassalage, this system of American landlords, engrossing millions of acres, and regulating the terms of sale or settlement. In vain shall we have abolished the system of primogeniture and entailments, as calculated to create landed monopolies, if we sustain the existing policy, by which a few capitalists may engross in a single year the ownership of States, and control the destiny of millions. An extent of territory equal to five States passing in a single year into the hands of speculators! must not this create here a landed aristocracy, without the title, but more wealthy and powerful than the sinking nobility of England? It will establish a fourth estate, more controlling than the legislative, executive, and judicial power. It will control agriculture and its products, by regulating the price of landed property. It will certainly introduce into the new States the system of landlord and tenant, by which the occupant will not be the owner of the soil he cultivates, but the tributary of some absentee landlord, who will, in the shape of an annual rent, reap nearly all the profits of the labor of the cultivator. It will establish a relation of abject dependence on the one hand, and tyrannical power on the other. It will impoverish the many, and enrich the few. It will create a war of capital against labor, of the producer against the non-producer, of the cultivator against the speculator; a war in which this Government will be arrayed on the side of the speculator, enlarging his dominion, increasing his power, until, in a few years more, he will acquire a complete monopoly, and maintain an undisputed empire, throughout the valley of the West.

There can be no greater injury to any country than the monopoly of its lands by a few individuals; thus keeping those lands out of the hands of settlers and cultivators, and condemning vast regions of fertile lands to remain for years waste and uncultivated. The West, for many years, has been endeavoring to obtain from Con-

gress a reduction of the price of the public lands; but the continuation of the existing system is worse than a refusal to reduce the price; it is equivalent to a law raising the price to settlers and cultivators from one dollar and twenty-five cents per acre, to a price varying from five to thirty dollars per acre. It is well known that, within the last few years, vast bodies of public lands have been purchased by speculators at one dollar and twenty-five cents per acre, and resold to settlers or cultivators at prices varying from five to thirty dollars per acre. And what must soon be the inevitable result of continuing the existing system? At the rate of twenty-one millions of acres per annum, speculators in a very few years must own nearly every acre of good land in the present new States and organized Territories of the Union. When this monopoly shall be complete, and no good land remains the property of the Government, will not a still higher price be demanded for those lands by those who hold them? If we abolish the system of sales to speculators, these millions of acres of good land, now owned by the Government, will pass, from time to time, at the minimum price, into the hands of settlers or cultivators, which otherwise would be purchased by speculators, and resold by them at from five to thirty dollars per acre. Every Senator who votes against this bill votes for continuing a system by which this vast enhancement to settlers and cultivators, of the price of the public lands, must soon take place. There can be no greater curse to any country, no more serious impediment to its prosperity, than the high price of its unoccupied lands. It prevents or postpones the settlement of those lands, and decreases the wealth, products, and population, of a State. It is equivalent to a decree of man, condemning to remain waste and uncultivated vast regions created by nature inexhaustibly fertile, and inviting the hand of improvement. What Senator from any new State has not seen whole townships of land remaining in the hands of speculators, waste and unoccupied, where otherwise purchases by settlers or cultivators would have been made at the minimum price of the Government, and where would now be smiling farms and prosperous villages.

The Senator from Kentucky [Mr. CLAY] tells us that, under the present system, the new States have grown and prospered. No, sir; it was before the present system of speculation had seized the public mind, and when settlers and cultivators purchased the public lands at the minimum price per acre. But will it be contended that a State will flourish more by enabling speculators to sell to settlers and cultivators, at from five to thirty dollars per acre, those very lands which otherwise they would obtain at a dollar and a quarter per acre? The facts in our past history are against the argument of the Senator from Kentucky. The average sales of the public lands from 1796 to 1830 amounted to less than one million of acres per annum. Sales must, therefore, then have been made almost exclusively to settlers and cultivators by the Government, at the minimum price, when the West increased so rapidly. But what is the case now? Why, more than four fifths of the sales are made to speculators. Thus we have seen the sales of the year 1836, including those at Pontotoc, amounting to more than - 21,000,000 acres.

And the sales of 1835 - -	13,000,000
Do. 1834 - -	4,658,000
Total of sales of 1834, 1835, and 1836 - - - -	38,658,000
Total of sales from 1796 to 1824 - - - -	32,843,019

Thus it is proved that the sales of the last three years exceed, by nearly six millions of acres, the entire sales for nearly forty years preceding. The system of sales, then, at the minimum price, by the Government, to settlers or cultivators, was, in fact, the system under which the new States grew and prospered; but let any new State realize what will soon be the situation of all of them under the existing sales, when every acre of unoccupied good land within their limits will be in the hands of speculators, and not an acre to be obtained at the Government price; and can they continue, as heretofore, to increase and prosper? He who thinks so must believe that a State will flourish more rapidly by enhancing to settlers and cultivators the price of its unoccupied lands; and he who thinks so should oppose the reduction of the price of the public lands. The reduction to settlers of the price of the public lands is certainly an important measure to the new States, and one which (Mr. W. said) he yet hoped to see adopted. But this reduction of the price of refuse land, on an average, of twenty-five cents per acre, is by no means so important to the new States as the passage of this bill. If the maximum required for settlement and cultivation annually be five millions of acres, which under this bill would be sold for these purposes at one dollar and twenty-five cents per acre, but, by the continuance of the existing system, sold by speculators to settlers at an average profit of five dollars per acre, there would, by this bill, be saved annually to the settlers and cultivators of the new States twenty-five millions of dollars in the price of their lands. But admitting that of these refuse lands, long in market, proposed to be reduced, on an average, twenty-five cents per acre, a million of acres were purchased annually for settlement and cultivation, there would be saved annually to the settlers of the new States, in the price of their lands, two hundred and fifty thousand dollars; being less, by upwards of twenty-four millions annually, than is saved to the settlers of the new States by the adoption of this measure. If it were proposed at once, by an act of Congress, to transfer the whole public domain to speculators, at the minimum price per acre, what Senator from any new State would not at once object to it? Would we not all say it would be equivalent to raising to settlers the price of these lands, on an average, five dollars per acre? And yet, can we close our eyes to the fact that, by continuing the present system for a few years, the same consequences must follow, when, could we even obtain from Congress a reduction of the price of the public lands, there will remain none worth purchasing upon which the reduction could operate? Continue this system a few years, and the land offices of the United States will be abolished for all practical purposes, and offices opened in their place by speculating companies. Already has this been done in at least one of the new States, and half a million of acres advertised for sale by a single company, at prices varying from two to thirty dollars per acre. Another company is progressing with its entries, with a capital of six millions of dollars; and this, with other similar associations now formed and forming, and individual capitalists embarked in these operations, will monopolize the public domain, leaving, in a very short time, not an acre worth cultivating, to be purchased at the Government price per acre. We do not yet feel fully all the evils of the system, because in most of the new States the Government still has considerable bodies of good land for sale at the minimum price, and competes with the speculator in the market; but when this ceases, as it soon will under the present system, and every acre of good unoccupied land is in the hands of speculators, and the monopoly complete, who can foretell the high price that will be demanded? The proposition seems almost too clear for argument, that the monopoly of the lands of a State by a few individuals must deeply injure its prosperity. The Territories of the Union will suffer most by continuing this system, and Florida, Iowa, and Wisconsin, re

tained much longer in territorial pupilage. The spirit of speculation will sweep over them, like the hurricane of the tropics, subverting all within the range of its wild and desolating career. These Territories will, in fact, so far as regards the public domain, cease to be the Territories of the United States, and become the Territories of speculators, owning their soil, controlling their destiny for half a century, and postponing their admission as States of the Union. To the truly wise and patriotic American, there can be no spectacle more truly sublime than the admission of new States of the Union—to behold another region reclaimed from solitude, and added to liberty and civilization; another country emerging from territorial pupilage, and assuming the attitude of one of the States of the American Union. Pass this bill, and in a few years more Iowa and Wisconsin, containing the mountain streams and fountains of the great Mississippi, will, together with Florida, send their Senators here to co-operate with us in advancing the prosperity of our common country. These Territories are unrepresented on this floor; and should we not all feel disposed to legislate for them in a spirit of parental kindness, and, above all, save them from the grasp of speculating monopolists? This bill embraces within its munificent provision the whole Union and all its parts. It reserves our noble public domain as a precious inheritance for the whole American people, to be purchased only by settlers or cultivators, from the Government, at the minimum price. It encourages agriculture, that mother of freemen, that nurse of virtue, liberty, and independence—that truly useful and virtuous vocation, heretofore depressed by exorbitant tariffs. It will enable every American citizen to obtain a farm at a reasonable price from a paternal Government, for more than half a century to come. It reserves for the noblest purposes, as the inheritance of the whole people of this Union, what, under the existing system, will soon be the property of a few speculating monopolists.

There is another method in which the existing system retards the prosperity of the new States. Of the twenty-seven millions of dollars paid this past year for public lands, at least fifteen millions are paid by the people of the new States, and at least ten millions of this for purchases for speculation. Thus is ten millions taken in a single year from the people of the new States, for investment in wild lands, remaining a dead capital, and withdrawn from investment in farms, or buildings, or railroads, or some of the useful branches of productive industry; and thus injuriously affecting the business and prosperity of the new States. Nor is it only the new States in which this evil is experienced. No; the old States are perhaps the greatest sufferers. Exclusive of the entries made for cultivation or settlement upon the ratio of the present year, we have seen that upwards of ten millions annually from the old States will be withdrawn for the purchase of wild lands for speculation. This is a process equally injurious to the old and to the new States. To the new States, we have seen that it is equivalent to a law advancing the price of the public lands to settlers and cultivators, for the benefit of speculators, at least five dollars per acre. To the old States, it is a withdrawal of ten millions annually from the channels of productive industry, for investment in wild lands, thus doomed to remain for years waste and uncultivated. Who can deny that ten millions taken annually from commerce, agriculture, manufactures, and public improvements, in the old States, must prove deeply injurious to those communities? Under the existing system, capitalists, great and small, and borrowers from banks, will send from the old States millions of money annually for land speculations, which they would otherwise invest in some useful business, or in some public improvements at home; but these investments will be not made, yielding only an annual profit of five or ten per cent., when five hundred per cent. can be made in a series of years, at a single operation, by purchases of wild lands. Many of these capitalists purchased these lands as a permanent investment, intending to withhold them from sale for periods ranging from five to twenty years, calculating that the continued advance would be more than equivalent to the ordinary interest of money or profits of business. In the mean time, during this long interval, this ten millions annually might as well be sunk in the ocean. There is thus opened a golden stream from the East to the West, which, whilst it drains the East of millions of capital, condemns to a period of long sterility vast portion of the beautiful valley of the West, containing a soil inexhaustibly fertile, but remaining in the hands of speculators barren and unproductive. From the old and the new States combined, we have seen that there was this year withdrawn more than twenty millions of dollars, for investment in lands for speculation. For the present, this twenty millions might as well be annihilated; and if the system is continued, great indeed will be the distress and embarrassment of the whole country. Indeed, to this cause, more than all others combined, must be attributed any existing difficulties in the money market. No one at all versed in the principles of political economy can for a moment doubt that twenty millions taken annually from commerce, agriculture, and manufactures, must embarrass the business of any nation. These results of this system (Mr. W. said) he clearly foresaw and predicted at the last session of Congress. Mr. W. here read the following extract from the report made by him at the last session, from the select committee in favor of the bill confining the sales of public lands to settlers or cultivators:

"Until within a few years past the sales were made almost exclusively for settlement, but now the reverse is the fact. The sales within the last year have amounted to nearly thirteen millions of acres, being almost three times the amount sold in any preceding year. Eight millions of acres of these sales have probably been made for speculation, and not for settlement. This spirit of speculation in the public lands is increasing with alarming rapidity. Companies are forming in all directions to monopolize the ownership of the public domain, and thus be enabled to arrest the settlement and regulate the prosperity of the new States and Territories of the Union. A total and complete monopoly of the public lands by speculators is now contemplated, and the consequent withdrawal from the Government of all its power over this subject. This system will be deeply injurious to the interest of the old as well as of the new States. Vast sums will be taken from investment in the channels of productive industry in the old States, and invested in purchases of uncultivated lands. It is a bounty offered by Government for the annual withdrawal of capital from the useful pursuits of productive industry, for investment in waste lands, producing nothing, and, consequently, adding nothing to the general prosperity of the country. Agriculture, commerce, and manufactures, are all injuriously affected by this process. For a great period of time, the moneys thus invested might as well be sunk in the ocean. Agriculture is not benefited, for settlement is retarded, and not advanced, by this system. Commerce and manufactures are injured by the annual sinking of so much of the active capital of the country. The vast sums thus invested during the present year have certainly greatly contributed to create the existing embarrassments, and, as the evil progresses, the embarrassments will be increased and aggravated. It is, then, the interest of the old as well as the new States to arrest this annual investment of millions in unproductive pursuits. Were it arrested, these millions of dead capital would be adding yearly to the commerce,

agriculture, and manufactures, of the whole country. When money is invested, even from the old States, in lands for settlement and cultivation only, in the new States, the annual products of the soil increase the wealth and prosperity of the whole country, and soon give back to the old States, through the channels of trade and business, more than the amount of the purchase-money of the land. But if the citizens of a nation appropriate millions annually in the purchase of property yielding no income, the result is a great national loss. It is, then, the interest of the whole Union that those monopolies of the public lands should be arrested, and that capital should continually flow in the various channels of productive industry. If, among other causes, the existing embarrassments are now greatly attributable to the speculating investment of millions, during the past year, in wild lands, what will be the result if the system is permitted to continue for a series of years unabated? It is easy to foresee that the necessary consequence will be, increasing distress and embarrassment, or at least a diminution of the national prosperity."

Mr. W. asked, had not the predictions contained in this report been fully realized, and would it not have been well for the community if the bill then proposed by this committee for arresting these speculations had been adopted by Congress? And if we continue the existing system, will not these evils continue to augment from year to year, till the whole public domain, which is of any value, shall be swept within the vortex of speculating monopoly? Continue the existing system but a few years more, and the nation will awake, as it were, from a trance, and find itself despoiled, by speculators, of every acre of good land east of the river Mississippi. Nor will it stop there. No; it will roll on, it is rolling on, over the regions of the far West, reaching from the Ohio to the Missouri, and from near the sources of the great Mississippi to its outlet in the Gulf. In a few years more, and speculators will command an empire, and parcel it out at their pleasure; and yet we refuse to interpose, nay, we sustain and encourage this system, by which whole States and Territories will be placed beneath the degrading control of a few speculating monopolists. National interest and national honor alike prompt us to interpose. And what restrains us? Sir, it is the surplus, the fatal surplus spirit, that pushes onward this Government to the very verge of the precipice. It is this spirit which dares to demand from the people more revenue than is required for the wants of the Government; it is this spirit which must be gratified, and would soon sell, if it could, not only the land, but the people of the new States, for unnecessary revenue. But, God be thanked, this spirit has been rebuked by the people, and their decree has been proclaimed, that no more money shall be collected from them than is required for the wants of the Government, administered in a spirit of republican economy, and within the strict limits of the constitution. This principle is becoming fundamental, and must be carried into full and practical effect.

If you will not bring down the revenue to the wants of the Government, by confining to settlers or cultivators the sales of the public lands, reduce! reduce! repeal! repeal the tariff! will be the voice that will be echoed by the people through these walls. Already this voice is breaking upon us, and within the hall of the House of Representatives, demanding that the revenue from the tariff be reduced more than six millions of dollars. Has the manufacturing interest no eyes to see the difficulties which surround it? has it no ears to hear the voice of the people, demanding more and more loudly the reduction of the revenue to the wants of the Government? If the manufacturing interest now unites itself with the surplus party, it will be swept before the torrent of public sentiment. A surplus tariff coalition can never resist the mandate of the people's will. The tariff and surplus coalition will be more odious than any which have preceded it; it will be the union of sin and death; and both, both will be driven out together from the halls of Congress. Let me tell the manufacturing interest, in the spirit of truth and candor, that to them a union with the surplus party will be the embrace of death. By the surplus party I mean not those who voted to deposite with the States an already accumulated surplus, but I mean the party that wishes to legislate, or refuse to legislate, for the purpose of creating a surplus. Last year that party had perhaps an uncertain majority, or nearly a majority, in this chamber. Where is that majority now? Gone, swept away by the majesty of the people's will; and the anti-surplus, anti-distribution party now constitute a great majority in both Houses of Congress, and have carried the President elect. If, then, the manufacturing interest leans for support upon the surplus party, it will lean upon a small and decreasing minority. Sir, (said Mr. W.,) I do not wish to renew the scenes of 1832; I never again wish to behold the very fabric of this Government rocking upon its foundation, when every patriot heart throbbed with apprehension, and each tyrant's bosom bounded with the exulting hope that this Union--freedom's, the world's last hope—was blotted from the scroll of nations. Never, therefore, without necessity, never in a wanton, reckless spirit, would I disturb the main provisions of the compromise act of March, 1833. But there is one great constitutional principle too sacred to be yielded to any compromise, and that is this: the revenue must be reduced to the wants of the Government; for, if not so reduced, the Government will be subverted or changed into a central despotism, collecting millions upon millions of unnecessary revenue, for a distribution unknown to the framers of the constitution. If, then, the revenue can be reduced to the wants of the Government by this bill, blind indeed must be the manufacturing interest to its true policy if it oppose this salutary measure. The necessary reduction cannot be accomplished except by such a measure as this. The revenue this year from customs is $19,391,310. Estimating the revenue from this source hereafter, by the decreasing scale of the act of March, 1833, as it now stands, and the increased importations, augmenting with our increasing wealth and population, and the maximum would be as follows:

1837, - - -	$18,000,000
1838, - - -	17,500,000
1839, - - -	17,000,000
1840, - - -	16,500,000
1841, - - -	16,000,000
1842, - - -	15,000,000

Now, add to this the twenty-five millions received annually for lands, upon the basis of the receipts of this year, and the maximum result of the aggregate revenue from lands and customs would be as follows:

1837, - - -	$43,000,000
1838, - - -	42,500,000
1839, - - -	42,000,000
1840, - - -	41,500,000
1841, - - -	41,000,000
1842, - - -	40,000,000

The above calculation would present an excess, in six years, of ten millions above an annual revenue of forty millions, and, including our bank stock, a total excess of eighteen millions over an annual revenue of forty millions, exclusive of the amount accruing from incidental sources not embraced in this estimate. The above estimates, though maximums, and therefore beyond the actual amounts, would seem to demonstrate that no change of the tariff ever proposed would bring down our re-

ceipts to the wants of the Government. The twenty-five millions of dollars alone received annually from the sales of the public lands to speculators, under the existing system, would be too great for the proper, regular, annual, expenditures of the Government. Any Senator, then, who is for the present system, is either for an annual revenue of nearly forty millions of dollars, for wild and extravagant expenditures, or for an annual distribution. Any Senator who votes to continue the present system, votes to create a surplus. Any Senator who votes against limiting to settlers or cultivators the sales of the public lands, votes to accumulate a surplus. This fact cannot be disguised from the people, and will constitute the true criterion between the surplus and anti-surplus party, unless, indeed, we almost entirely repeal the tariff. Under the system we propose, the public domain, exclusive of sales for settlement, will remain the property of the Government, and in case of war or any great emergency we may sell again for revenue.

There is no subject in regard to which so many erroneous estimates have been made, as the number of acres of public land required annually for settlement or cultivation. It is demonstrable that five millions of acres is the maximum required for these purposes. This is ascertained by the augmentation of population in the new States and Territories in a given term of years, and the correspondent amount of lands entered during the same period. The increase of population in the new States and Territories, from 1820 to 1830, was 1,070,998. The total amount of entries and purchases of the public lands, for all purposes, during the same period, was 8,216,858 acres. Thus, an annual increase of one million of population, in the new States and Territories, would require less than eight millions of acres for the purposes of settlement or cultivation. Now, the most extravagant estimate of the annual increase of population in the new States and Territories does not exceed two hundred thousand; at this rate, requiring annually only one million six hundred thousand acres. But suppose the quantity trebled, and the amount will not reach five millions of acres; thus making a difference in the revenue of nearly nineteen millions of dollars per annum, according to the receipts of the present year. As, then, a mere financial measure—as a measure to reduce the revenue to the wants of the Government—there is nothing proposed so important as this bill.

Assuming these five millions of acres as the largest amount that would be sold annually under the system now proposed, and the maximum of revenue hereafter accruing annually from lands and customs would be as follows:

1837, - - -	$28,000,000
1838, - - -	23,500,000
1839, - - -	23,000,000
1840, - - -	22,500,000
1841, - - -	22,000,000
1842, - - -	21,000,000

The great difference between the years 1837 and 1838, in the above estimates, arises from the fact that, in any event, for a large portion of the year 1837, the sales must take place under the existing system. If we make a still further reduction, by the repeal of the duties on all articles now paying a less duty than twenty per cent. ad valorem, as authorized by the sixth section of the compromise act of 1833, we would probably strike off one million and a half annually from the taxes of the people, and the maximum of our annual revenue would be—

1837, - - -	$26,500,000
1838, - - -	22,000,000
1839, - - -	21,500,000
1840, - - -	21,000,000
1841, - - -	20,500,000
1842, - - -	19,500,000

But it is to be hoped that there are some articles, particularly those of universal use or consumption by all classes, and especially by the poor, upon which we may be enabled to reduce the duties, though not embraced within the provisions of the sixth section of the compromise act, without reviving the strife and difficulties of 1832, so as not only to reduce the revenue to the wants of the Government, but to graduate our expenditures by a standard of republican economy in all our appropriations.

Such are the great principles of the bill, and the details are designed to promote the great object. Sales of the public lands at public auction, though not entirely abolished, are confined to those who purchase for settlement or cultivation. The speculator is excluded from the public sales, as he is from private entries. This is indispensable; for when the speculator is excluded only from private entries, but permitted to purchase at public auction, he would engross nearly all the lands offered at any future land sales. And what has the Government gained by sales of its lands at public auction? Nothing deserving an estimate. Upon comparing the official records, the total number of acres sold, and the total price received, the following have been the results of the auction system: From the 1st of July, 1820, to the present period, we have received, from sales of the public lands, an average of three cents per acre over the minimum price; from 1796 to 1st July, 1820, nearly three cents per acre over the minimum price; from 1796 to the present period, three cents per acre over the minimum price; for the year 1835, one cent and a half per acre over the minimum price; for the year 1836, less than one cent per acre over the minimum price. Hence it is obvious that nothing is gained by the Government by continuing the auction system.

Mr. W. here proceeded to explain to the Senate the details of the bill; the clause confining the sales to settlers or cultivators; the limitation to two sections; the authority to parents to purchase for their children, with a view to the establishment of farms; the pre-emption section; the privilege of purchasing in forty-acres lots; and, finally, the taxing power conceded to the States, by which they might raise a revenue from unoccupied lands, whether held by their own or non-resident speculators, and thus, to a certain extent, repress speculation. And Mr. W. concluded by returning his thanks to the Senate for the very general and indulgent attention with which they had received his remarks.

Mr. CLAY said he was gratified to hear from the chairman of the Committee on Public Lands the assurance that the Treasury order of July, 1836, would, in some way, be dispensed with. He wished to ask of the chairman when the committee would probably report on this subject.

Mr. WALKER could not certainly tell; but probably by Tuesday next.

On motion of Mr. MORRIS, the bill, with the amendments, was postponed till Monday.

The expunging resolution of Mr. BENTON now coming up for further consideration, and Mr. CLAY having the floor—

On motion of Mr. KENT,

The Senate adjourned: Yeas 22, nays 18.

MONDAY, JANUARY 16.

EXPUNGING RESOLUTION.

After disposing of the usual morning business, the Senate proceeded to the consideration of the special order, which was Mr. BENTON's resolution to expunge from the journal of the Senate the resolution of the 28th March, 1834, censuring the President for having removed the deposites from the Bank of the United States.

Mr. CLAY rose and said that, considering that he was the mover of the resolution of March, 1834, and the consequent relation in which he stood to the majority of the Senate by whose vote it was adopted, he had felt it to be his duty to say something on this expunging resolution; and he had always intended to do so when he should be persuaded that there existed a settled purpose of pressing it to a final decision. But it had been so taken up and put down at the last session—taken up one day, when a speech was prepared for delivery, and put down when it was pronounced—that he had really doubted whether there existed any serious intention of ever putting it to the vote. At the very close of the last session, it will be recollected that the resolution came up, and in several quarters of the Senate a disposition was manifested to come to a definitive decision. On that occasion he had offered to waive his right to address the Senate, and silently to vote upon the resolution; but it was again laid upon the table, and laid there forever, as the country supposed, and as he believed. It is, however, now revived; and, sundry changes having taken place in the members of this body, it would seem that the present design is to bring the resolution to an absolute conclusion.

I have not risen (continued Mr. C.) to repeat, at full length, the argument by which the friends of the resolution of March, 1834, sustained it. That argument is before the world, was unanswered at the time, and is unanswerable. And I here, in my place, in the presence of my country and of my God, after the fullest consideration and deliberation of which my mind is capable, reassert my solemn conviction of the truth of every proposition contained in that resolution. But, whilst it is not my intention to commit such an infliction upon the Senate as that would be of retracing the whole ground of argument formerly occupied, I desire to lay before it, at this time, a brief and true state of the case. Before the fatal step is taken of giving to the expunging resolution the sanction of the American Senate, I wish, by presenting a faithful outline of the real questions involved in the resolution of 1834, to make a last, even if it is to be an ineffectual, appeal to the sober judgments of Senators. I begin by reasserting the truth of that resolution.

Our British ancestors understood perfectly well the immense importance of the money power in a representative Government. It is the great lever by which the Crown is touched, and made to conform its administration to the interests of the kingdom and the will of the people. Deprive Parliament of the power of freely granting or withholding supplies, and surrender to the King the purse of the nation, he instantly becomes an absolute monarch. Whatever may be the form of government, elective or hereditary, democratic or despotic, that person who commands the force of the nation, and at the same time has uncontrolled possession of the purse of the nation, has absolute power, whatever may be the official name by which he is called.

Our immediate ancestors, profiting by the lessons on civil liberty which had been taught in the country from which we sprung, endeavored to encircle around the public purse, in the hands of Congress, every possible security against the intrusion of the Executive. With this view, Congress alone is invested, by the constitution, with the power to lay and collect the taxes. When collected, not a cent is to be drawn from the public Treasury but in virtue of an act of Congress. And among the first acts of this Government was the passage of a law establishing the Treasury Department, for the safe keeping and the legal and regular disbursement of the money so collected. By that act a Secretary of the Treasury is placed at the head of the Department; and, varying in this respect from all the other Departments, he is to report, not to the President, but directly to Congress, and is liable to be called to give information in person before Congress. It is impossible to examine dispassionately that act, without coming to the conclusion that he is emphatically the agent of Congress, in performing the duties assigned by the constitution to Congress. The act further provides that a Treasurer shall be appointed, to receive and keep the public money; and none can be drawn from his custody but under the authority of a law, and in virtue of a warrant drawn by the Secretary of the Treasury, countersigned by the Comptroller, and recorded by the Register. Only when such a warrant is presented can the Treasurer lawfully pay one dollar from the public purse. Why was the concurrence of these four officers required in disbursements of the public money? Was it not for greater security? Was it not intended that each, exercising a separate and independent will, should be a check upon every other? Was it not the purpose of the law to consider each of these four officers, acting in his proper sphere, not as a mere automaton, but as an intellectual, intelligent, and responsible person, bound to observe the law, and to stop the warrant, or stop the money, if the authority of the law were wanting?

Thus stood the Treasury from 1789 to 1816. During that long time no President had ever attempted to interfere with the custody of the public purse. It remained where the law placed it, undisturbed, and every Chief Magistrate, including the Father of his Country, respected the law.

In 1816 an act passed to establish the late Bank of the United States for the term of twenty years, and, by the 16th section of the act, it is enacted "that the deposites of the money of the United States, in places in which the said bank and the branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

Thus it is perfectly manifest, from the express words of the law, that the power to make any order or direction for the removal of the public deposites is confided to the Secretary alone, to the absolute exclusion of the President, and all the world besides. And the law, proceeding upon the established principle that the Secretary of the Treasury, in all that concerns the public purse, acts as the direct agent of Congress, requires, in the event of his ordering or directing a removal of the deposites, that he shall immediately lay his reasons therefor before whom? The President? No; before Congress.

So stood the public Treasury and the public deposites from the year 1816 to September, 1833. In all that period of seventeen years, running through or into four several administrations of the Government, the law had its uninterrupted operation, no Chief Magistrate having assumed upon himself the power of diverting the public purse from its lawful custody, or of substituting his will to that of the officer to whose care it was exclusively intrusted.

In the session of Congress of 1832-'3 an inquiry had been instituted by the House of Representatives into the condition of the Bank of the United States. It resulted in a conviction of its entire safety, and a declaration by the House, made only a short time before the adjournment of Congress, on the 4th of March, 1833, that the public deposites were perfectly secure. This declaration was probably made in consequence of suspicions then afloat of a design on the part of the Executive to remove the deposites. These suspicions were denied by the press friendly to the administration. Nevertheless,

the members had scarcely reached their respective homes before measures were commenced by the Executive to effect a removal of the deposites from that very place of safety which it was among the last acts of the House to declare existed in the Bank of the United States.

In prosecution of this design, Mr. McLane, the Secretary of the Treasury, who was decidedly opposed to such a measure, was promoted to the Department of State, and Mr. Duane was appointed to succeed him. But Mr. Duane was equally convinced with his predecessor that he was forbidden by every consideration of duty to execute the power with which the law had intrusted the Secretary of the Treasury, and refused to remove the deposites; whereupon he was dismissed from office, a new Secretary of the Treasury was appointed, and, in September, 1833, by the command of the President, the measure was finally accomplished. That it was the President's act was never denied, but proclaimed, boasted, defended. It fell upon the country like a thunderbolt, agitating the Union from one extremity to the other. The stoutest adherents of the administration were alarmed; and all thinking men, not blinded by party prejudice, beheld in the act a bold and dangerous exercise of power; and no human sagacity can now foresee the tremendous consequences which will ensue. The measure was adopted not long before the approaching session of Congress; and, as the concurrence of both branches might be necessary to compel a restoration of the deposites, the object was to take the chance of a possible division between them, and thereby defeat the restoration.

And where did the President find the power for this most extraordinary act? It has been seen that the constitution, jealous of all executive interference with the Treasury of the nation, has confided it to the exclusive care of Congress, by every precautionary guard, from the first imposition of the taxes to the final disbursement of the public money.

It has been seen that the language of the 16th section of the law of 1816 is express and free from all ambiguity, and that the Secretary of the Treasury is the sole and exclusive depositary of the authority which it confers.

Those who maintain the power of the President have to support it against the positive language of the constitution, against the explicit words of the statute, and against the genius and theory of all our institutions.

And how do they surmount these insuperable obstacles? By a series of far-fetched implications, which, if every one of them were as true as they are believed to be incorrect or perverted, would stop far short of maintaining the power which was exercised.

The first of these implied powers is, that of dismissal, which is claimed for the President. Of all the questioned powers ever exercised by this Government, this is the most questionable. From the first Congress down to the present administration, it had never been examined. It was carried then, in the Senate, by the casting vote of the Vice President. And those who, at that day, argued in behalf of the power, contended for it upon conditions which have been utterly disregarded by the present Chief Magistrate. The power of dismissal is nowhere in the constitution granted, in express terms, to the President. It is not a necessary incident to any granted power; and the friends of the power have never been able to agree among themselves as to the precise part of the constitution from which it springs.

But if the power of dismissal was as incontestable as it is justly controvertible, we utterly deny the consequences deduced from it. The argument is, that the President has, by implication, the power of dismissal. From this first implication another is drawn; and that is, that the President has the power to control the officer, whom he may dismiss, in the discharge of his duties, in all cases whatever; and that this power of control is so comprehensive as to include even the case of a specific duty expressly assigned by law to the designated officer.

Now, we deny these results from the dismissing power. That power, if it exists, can draw after it only a right of general superintendence. It cannot authorize the President to substitute his will to the will of the officer charged with the performance of official duties. Above all, it cannot justify such a substitution in a case where the law, as in the present instance, assigns to a designated officer exclusively the performance of a particular duty, and commands him to report, not to the President, but to Congress, in a case regarding the public purse of the nation, committed to the exclusive control of Congress.

Such a consequence as that which I am contesting would concentrate in the hands of one man the entire executive power of the nation, uncontrolled and unchecked.

It would be utterly destructive of all official responsibility. Instead of each officer being responsible, in his own separate sphere, for his official acts, he would shelter himself behind the orders of the President. And what tribunal, in heaven above or on earth below, could render judgment against any officer for an act, however atrocious, performed by the express command of the President, which, according to the argument, he was absolutely bound to obey?

Whilst all official responsibility would be utterly annihilated in subordinate officers, there would be no practical or available responsibility in the President himself.

But the case has been supposed, of a necessity for the removal of the deposites, and a refusal of the Secretary of the Treasury to remove them; and it is triumphantly asked if, in such a case, the President may not remove him, and command the deed to be done. That is an extreme case, which may be met by another. Suppose the President, without any necessity, orders the removal from a place of safety to a place of hazard? If there be danger that a Secretary may neglect his duty, there is equal danger that a President may abuse his authority. Infallibility is not a human attribute. And there is more security for the public in holding the Secretary of the Treasury to the strict performance of an official duty, specially assigned to him, under all his official responsibility, than to allow the President to wrest the work from his hands, annihilate his responsibility, and stand himself practically irresponsible. It is far better that millions should be lost by the neglect of a Secretary of the Treasury, than to establish the monstrous principle that all the checks and balances of the Executive Government shall be broken down, the whole power absorbed by one man, and his will become the supreme rule. The argument which I am combating places the whole Treasury of the nation at the mercy of the Executive. It is in vain to talk of appropriations by law, and the formalities of warrants upon the Treasury. Assuming the argument to be correct, what is to prevent the execution of an order from the President to the Secretary of the Treasury to issue a warrant, without the sanction of a previous legal appropriation, to the Comptroller to countersign it, to the Register to register it, and to the Treasurer to pay it? What becomes of that quadruple security which the precaution of the law provided? Instead of four substantive and independent wills, acting under legal obligations, all are merged in the executive vortex.

But there was, in point of fact, no cause, none whatever, for the measure. Every fiscal consideration (and no other had the Secretary or the President a right to entertain) required the deposites to be left undisturbed in the place of perfect safety where by law they were. We told you so at the time. We asserted that the charges

of insecurity and insolvency of the bank were without the slightest foundation. And time, that great arbiter of human controversies, has confirmed all that we said. The bank, from documents submitted to Congress by the Secretary of the Treasury at the present session, appears to be able not only to return every dollar of the stock held in its capital by the public, but an addition of eleven per cent. beyond it.

Those who defend the executive act have to maintain not only that the President may assume upon himself the discharge of a duty specially assigned to the Secretary of the Treasury, but that he may remove that officer, arbitrarily, and without any cause, because he refused to remove the public deposites without cause.

My mind conducts me to a totally different conclusion. I think, I solemnly believe, that the President "assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," in the language of the resolution. I believed then in the truth of the resolution; and I now, in my place, and under all my responsibility, reavow my unshaken conviction of it.

But it has been contended on this occasion, as it was in the debate which preceded the adoption of the resolution of 1834, that the Senate has no right to express the truth on any question which, by possibility, may become a subject of impeachment. It is manifest that if it may, there is no more usual or appropriate form in which it may be done than that of resolutions, joint or separate, orders, or bills. In no other mode can the collective sense of the body be expressed. But Senators maintain that no matter what may be the executive encroachment upon the joint powers of the two Houses, or the separate authority of the Senate, it is bound to stand mute, and not breathe one word of complaint or remonstrance. According to the argument, the greater the violation of the constitution or the law, the greater the incompetency of the Senate to express any opinion upon it! Further, that this incompetency is not confined to the acts of the President only, but extends to those of every officer who is liable to impeachment under the constitution. Is this possible? Can it be true? Contrary to all the laws of nature, is the Senate the only being which has no power of self-preservation—no right to complain or to remonstrate against attacks upon its very existence?

The argument is, that the Senate, being the constitutional tribunal to try all impeachments, is thereby precluded from the exercise of the right to express any opinion upon any official malfeasance, except when acting in its judicial character.

If this disqualification exist, it applies to all impeachable officers, and ought to have protected the late Postmaster General against the resolution, unanimously adopted by the Senate, declaring that he had borrowed money contrary to law. And it would disable the Senate from considering that Treasury order which has formed such a prominent subject of its deliberations during the present session.

And how do Senators maintain this obligation of the Senate to remain silent and behold itself stript, one by one, of all its constitutional powers, without resistance, and without murmur? Is it imposed by the language of the constitution? Has any part of that instrument been pointed to which expressly enjoins it? No, no, not a syllable. But it is attempted to be deduced by another far-fetched implication. Because the Senate is the body which is to try impeachments, therefore it is inferred the Senate can express no opinion on any matter which may form the subject of impeachment. The constitution does not say so. That is undeniable; but Senators think so.

The Senate acts in three characters—legislative, executive, and judicial—and their importance is in the order enumerated. By far the most important of the three is its legislative. In that, almost every day that it has been in session from 1789 to the present time, some legislative business has been transacted; whilst, in its judicial character, it has not sat more than three or four times in that whole period.

Why should the judicial function limit and restrain the legislative function of the Senate, more than the legislative should the judicial? If the degree of importance of the two should decide which ought to impose the restraint, in case of conflict between them, none can doubt which it should be.

But if the argument is sound, how is it possible for the Senate to perform its legislative duties? An act in violation of the constitution or laws is committed by the President, or a subordinate executive officer, and it becomes necessary to correct it by the passage of a law. The very act of the President in question was under a law to which the Senate had given its concurrence. According to the argument, the correcting law cannot originate in the Senate, because it would have to pass in judgment upon that act. Nay, more: it cannot originate in the House and be sent to the Senate, for the same reason of incompetency in the Senate to pass upon it. Suppose the bill contained a preamble reciting the unconstitutional or illegal act, to which the legislative corrective is applied: according to the argument, the Senate must not think of passing it. Pushed to its legitimate consequence, the argument requires the House of Representatives itself cautiously to abstain from the expression of any opinion upon an executive act, except when it is acting as the grand inquest of the nation, and considering articles of impeachment.

Assuming that the argument is well founded, the Senate is equally restrained from expressing any opinion which would imply the innocence or the guilt of an impeachable officer, unless it be maintained that it is lawful to express praise and approbation, but not censure or difference of opinion. Instances have occurred in our past history, (the case of the British minister, Jackson, was a memorable one,) and many others may arise in our future progress, when, in reference to foreign Powers, it may be important for Congress to approve what has been done by the Executive, to present a firm and united front, and to pledge the country to stand by and support him. May it not do that? If the Senate dare not entertain and express any opinion upon an executive measure, how do those who support this expunging resolution justify the acquittal of the President which it proclaims?

No Senator believed, in 1834, that, whether the President merited impeachment or not, he ever would be impeached. In point of fact he has not been, and we have every reason to suppose that he never will be, impeached. Was the majority of the Senate, in a case where it believed the constitution and laws to have been violated, and the liberties of the people to be endangered, to remain silent, and to refrain from proclaiming the truth, because, against all human probability, the President might be impeached by a majority of his political friends in the House of Representatives?

If an impeachment had been actually voted by the House of Representatives, there is nothing in the constitution which enjoins silence on the part of the Senate. In such a case, it would have been a matter of propriety, for the consideration of each Senator, to avoid the expression of any opinion on a matter upon which, as a sworn judge, he would be called to act.

Hitherto, I have considered the question on the supposition that the resolution of March, 1834, implied such guilt in the President that he would have been liable to conviction on a trial by impeachment before the Senate

of the United States. But the resolution, in fact, imported no such guilt. It simply affirmed that he had "assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." It imputed no criminal motives. It did not profess to penetrate into the heart of the President. According to the phraseology of the resolution, the exceptionable act might have been performed with the purest and most patriotic intention. The resolution neither affirmed his innocence, nor pronounced his guilt. It amounts, then, say his friends on this floor, to nothing. Not so. If the constitution be trampled upon, and the laws be violated, the injury may be equally great, whether it has been done with good or bad intentions. There may be a difference to the officer, none to the country. The country, as all experience demonstrates, has most reason to apprehend those encroachments which take place on plausible pretexts, and with good intentions.

I put it, Mr. President, to the calm and deliberate consideration of the majority of the Senate, are you ready to pronounce, in the face of this enlightened community, for all time to come, and whoever may happen to be the President, that the Senate dare not, in language the most inoffensive and respectful, remonstrate against any executive usurpation, whatever may be its degree or danger?

For one, I will not, I cannot. I believe the resolution of March, 1834, to have been true; and that it was competent to the Senate to proclaim the truth. And I solemnly believe that the Senate would have been culpably neglectful of its duty to itself, to the constitution, and to the country, if it had not announced the truth.

But let me suppose that in all this I am mistaken; that the act of the President, to which exception was made, was in conformity with the spirit of our free institutions and the language of our constitution and laws; and that, whether it was or not, the Senate of 1834 had no authority to pass judgment upon it: what right has the Senate of 1837, a component part of another Congress, to pronounce judgment upon its predecessor? How can you, who venture to impute to those who have gone before you an unconstitutional proceeding, escape a similar imputation? What part of the constitution communicates to you any authority to arraign and try your predecessors? In what article is contained your power to expunge what they have done? And may not the precedent lead to a perpetual code of defacement and restoration of the transactions of the Senate, as consigned to the public records?

Are you not only destitute of all authority, but positively forbidden, to do what the expunging resolution proposes? The injunction of the constitution to keep a journal of our proceedings is clear, express, and emphatic. It is free from all ambiguity: no sophistry can pervert the explicit language of the instrument, no artful device can elude the force of the obligation which it imposes. If it were possible to make more manifest the duty which it requires to be performed, that was done by the able and eloquent speeches, at the last session, of the Senators from Virginia and Louisiana, [Messrs. LEIGH and PORTER,] and at this of my colleague. I shall not repeat the argument. But, I would ask, if there were no constitutional requirement to keep a journal, what constitutional right has the Senate of this Congress to pass in judgment upon the Senate of another Congress, and to expunge from its journal a deliberate act there recorded? Can an unconstitutional act of that Senate, supposing it to be so, justify you in performing another unconstitutional act?

But in lieu of any argument upon the point from me, I beg leave to cite for the consideration of the Senate two precedents: one drawn from the reign of the most despotic monarch in modern Europe, under the most despotic minister that ever bore sway over any people, and the other from the purest fountain of democracy in this country. I quote from the interesting life of the Cardinal Richelieu, written by that most admirable and popular author, Mr. James. The Duke of Orleans, the brother of Louis XIII, had been goaded into rebellion by the wary Richelieu. The King issued a decree declaring all the supporters of the Duke guilty of high treason, and a copy of it was despatched to the Parliament of Paris, with an order to register it at once. The Parliament demurred, and proceeded to what was called *un arrêt de partage*. "Richelieu, however, could bear no contradiction in the course which he had laid down for himself;" [How strong a resemblance does that feature of his character bear to one of an illustrious individual whom I will not further describe!] "and hurrying back to Paris with the King, he sent, in the monarch's name, a command for the members of the Parliament to present themselves at the Louvre, in a body and on foot. He was obeyed immediately; and the King receiving them with great haughtiness, the Keeper of the Seals made them a speech, in which he declared that they had no authority to deliberate upon affairs of state; that the business of private individuals they might discuss, but that the will of the monarch in other matters they were alone called upon to register. The King then tore with his own hands the page of the register on which the *arrêt de partage* had been inscribed, and punished with suspension from their functions several of the members of the various courts composing the Parliament of Paris." How repeated acts of the exercise of arbitrary power are likely to subdue the spirit of liberty, and to render callous the public sensibility and the fate which awaits us, if we had not been recently unhappily taught in this country, we may learn from the same author. "The finances of the State were exhausted, new impositions were devised, and a number of new offices created and sold. Against the last-named abuse the Parliament ventured to remonstrate; but the Government of the Cardinal had for its first principle despotism, and the refractory members were punished, some with exile, some with suspension of their functions. All were forced to comply with his will; and the Parliament, unable to resist, yielded, step by step, to his exactions."

The other precedent is supplied by the archives of the democracy of Pennsylvania in 1816, when it was genuine, and unmixed with any other ingredient.

The provisions of the constitution of the United States and of Pennsylvania, in regard to the obligation to keep a journal, are substantially the same. That of the United States requires that "each House shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of the members present, be entered on the journal." And that of Pennsylvania is, "each House shall keep a journal of its proceedings, and publish them weekly, except such parts as require secrecy; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals." Whatever inviolability, therefore, is attached to a journal, kept in conformity with the one constitution, must be equally stamped on that kept under the other. On the 10th February, 1816, in the House of Representatives of Pennsylvania, "the Speaker informed the House that a constitutional question being involved in a decision by him yesterday, on a motion to expunge certain proceedings from the journal, he was desirous of having the opinion of the House on that decision, viz: that a majority can expunge from the journal any proceedings in which the yeas and nays have not been

called." Whereupon Mr. Holgate and Mr. Smith appealed from said decision; and on the question, Is the Speaker right in his decision? the members present voted as follows: yeas three, nays seventy-eight. Among the latter are to be found the two Senators now representing in this body the State of Pennsylvania. On the same day a motion was made by one of them [Mr. BUCHANAN] and Mr. Kelly, and read, as follows: "*Resolved*, That in the opinion of this House no part of the journals of the House can be expunged, even by unanimous consent."

The Senate observes that the question arose in a case where the yeas and nays had not been called. Even in such a case there were but four members out of eighty-two that thought it was competent to the House to expunge. Had the yeas and nays been called and recorded, as they were on the resolution of March, 1834, there would not have been a solitary vote in the House of Representatives of Pennsylvania in support of the power of expunging. And if you can expunge the resolution, why may you not expunge also the recorded yeas and nays attached to it?

But if the matter of expunction be contrary to the truth of the case, reproachful for its base subserviency, derogatory from the just and necessary powers of the Senate, and repugnant to the constitution of the United States, the manner in which it is proposed to accomplish this dark deed is also highly exceptionable. The expunging resolution, which is to blot out or enshroud the four or five lines in which the resolution of 1834 stands recorded, or rather the recitals by which it is preceded, are spun out into a thread of enormous length. It runs, whereas, and whereas, and whereas, and whereas, and whereas, &c., into a formidable array of nine several whereases. One who should have the courage to begin to read them, unaware of what was to be their termination, would think that at the end of such a tremendous display he must find the very devil. It is like a kite or a comet, except that the order of nature is inverted, and the tail, instead of being behind, is before the body to which it is appended.

I shall not trespass on the Senate by inquiring into the truth of all the assertions of fact and of principle contained in these recitals. It would not be difficult to expose them all, and to show that not one of them has more than a colorable foundation. It is asserted by one of them that the President was put upon his trial, and condemned, unheard, by the Senate, in 1834. Was that true? Was it a trial? Can the majority now assert, upon their oaths, and in their consciences, that there was any trial or condemnation? During the warmth of debate, Senators might endeavor to persuade themselves and the public that the proceeding of 1834 was, in its effects and consequences, a trial, and would be a condemnation of the President; but now, after the lapse of near three years, when the excitement arising from an animated discussion has passed away, it is marvellous that any one should be prepared to assert that an expression of the opinion of the Senate upon the character of an executive act was an arraignment, trial, and conviction, of the President of the United States!

Another fact, asserted in one of these recitals, is, that the resolution of 1834, in either of the forms in which it was originally presented or subsequently modified, prior to the final shape which it assumed when adopted, would have been rejected by a majority of the Senate. What evidence is there in support of this assertion? None. It is, I verily believe, directly contrary to the fact. In either of the modifications of the resolution, I have not a doubt that it would have passed! They were all made in that spirit of accommodation by which the mover of the resolution has ever regulated his conduct as a member of a deliberative body. In not one single instance did he understand from any Senator at whose request he made the modification, that, without it, he would vote against the resolution. How, then, can even the Senators who were of the minority of 1834 undertake to make the assertion in question? How can the new Senators, who have come here since, pledge themselves to the fact asserted in the recital of which they could not have had any conusance? But all the members of the majority—the veterans and the raw recruits—the six years men and the six weeks men—are required to concur in this most unfounded assertion, as I believe it to be. I submit it to one of the latter (looking towards Mr. DANA, from Maine, here by a temporary appointment from the Executive) whether, instead of inundating the Senate with a torrent of fulsome and revolting adulation poured on the President, it would not be wiser and more patriotic to illustrate the brief period of his senatorial existence by some great measure fraught with general benefit to the whole Union? Or, if he will not or cannot elevate himself to a view of the interests of the entire country, whether he had not better dedicate his time to an investigation into the causes of an alien jurisdiction being still exercised over a large part of the territory of the State which he represents? And why the American carrying trade to the British colonies, in which his State was so deeply interested, has been lost by a most improvident and bungling arrangement?

Mr. President, what patriotic purpose is to be accomplished by this expunging resolution? What new honor or fresh laurels will it win for our common country? Is the power of the Senate so vast that it ought to be circumscribed, and that of the President so restricted that it ought to be extended? What power has the Senate? None, separately. It can only act jointly with the other House, or jointly with the Executive. And although the theory of the constitution supposes, when consulted by him, it may freely give an affirmative or negative response, according to the practice, as it now exists, it has lost the faculty of pronouncing the negative monosyllable. When the Senate expresses its deliberate judgment, in the form of resolution, that resolution has no compulsory force, but appeals only to the dispassionate intelligence, the calm reason, and the sober judgment, of the community. The Senate has no army, no navy, no patronage, no lucrative offices, nor glitter-honors, to bestow. Around us there is no swarm of greedy expectants, rendering us homage, anticipating our wishes, and ready to execute our commands.

How is it with the President? Is he powerless? He is felt from one extremity to the other of this vast republic. By means of principles which he has introduced and innovations which he has made in our institutions, alas! but too much countenanced by Congress and a confiding people, he exercises uncontrolled the power of the State. In one hand he holds the purse, and in the other brandishes the sword of the country. Myriads of dependants and partisans, scattered over the land, are ever ready to sing hosannas to him, and to laud to the skies whatever he does. He has swept over the Government, during the last eight years, like a tropical tornado. Every department exhibits traces of the ravages of the storm. Take as one example the Bank of the United States. No institution could have been more popular with the people, with Congress, and with State Legislatures. None ever better fulfilled the great purposes of its establishment. But it unfortunately incurred the displeasure of the President; he spoke, and the bank lies prostrate. And those who were loudest in its praise are now loudest in its condemnation. What object of his ambition is unsatisfied? When disabled from age any longer to hold the sceptre of power, he designates his successor, and transmits it to his favorite! What more does he want? Must we blot, deface, and mutilate, the

records of the country, to punish the presumptuousness of expressing an opinion contrary to his own?

What patriotic purpose is to be accomplished by this expunging resolution? Can you make that not to be which has been? Can you eradicate from memory and from history the fact that in March, 1834, a majority of the Senate of the United States passed the resolution which excites your enmity? Is it your vain and wicked object to arrogate to yourselves that power of annihilating the past which has been denied to Omnipotence itself? Do you intend to thrust your hands into our hearts, and to pluck out the deeply rooted convictions which are there? Or is it your design merely to stigmatize us? You cannot stigmatize us.

Ne'er yet did base dishonor blur our name.

Standing securely upon our conscious rectitude, and bearing aloft the shield of the constitution of our country, your puny efforts are impotent; and we defy all your power. Put the majority of 1834 in one scale, and that by which this expunging resolution is to be carried in the other, and let truth and justice, in heaven above and on earth below, and liberty and patriotism, decide the preponderance.

What patriotic purpose is to be accomplished by this expunging resolution? Is it to appease the wrath and to heal the wounded pride of the Chief Magistrate? If he be really the hero that his friends represent him, he must despise all mean condescension, all grovelling sycophancy, all self-degradation and self-abasement. He would reject, with scorn and contempt, as unworthy of his fame, your black scratches and your baby lines in the fair records of his country. Black lines! Black lines! Sir, I hope the Secretary of the Senate will preserve the pen with which he may inscribe them, and present it to that Senator of the majority whom he may select, as a proud trophy, to be transmitted to his descendants. And hereafter, when we shall lose the forms of our free institutions, all that now remain to us, some future American monarch, in gratitude to those by whose means he has been enabled, upon the ruins of civil liberty, to erect a throne, and to commemorate especially this expunging resolution, may institute a new order of knighthood, and confer on it the appropriate name of the Knight of the Black Lines.

But why should I detain the Senate, or needlessly waste my breath in fruitless exertions. The decree has gone forth. It is one of urgency, too. The deed is to be done—that foul deed which, like the blood-stained hands of the guilty Macbeth, all ocean's waters will never wash out. Proceed, then, to the noble work which lies before you, and, like other skilful executioners, do it quickly. And when you have perpetrated it, go home to the people, and tell them what glorious honors you have achieved for our common country. Tell them that you have extinguished one of the brightest and purest lights that ever burnt at the altar of civil liberty. Tell them that you have silenced one of the noblest batteries that ever thundered in defence of the constitution, and bravely spiked the cannon. Tell them that, henceforward, no matter what daring or outrageous act any President may perform, you have forever hermetically sealed the mouth of the Senate. Tell them that he may fearlessly assume what powers he pleases, snatch from its lawful custody the public purse, command a military detachment to enter the halls of the Capitol, overawe Congress, trample down the constitution, and raze every bulwark of freedom; but that the Senate must stand mute, in silent submission, and not dare to raise its opposing voice. That it must wait until a House of Representatives, humbled and subdued like itself, and a majority of it composed of the partisans of the President, shall prefer articles of impeachment. Tell them, finally, that you have restored the glorious doctrine of passive obedience and non-resistance. And, if the people do not pour out their indignation and imprecations, I have yet to learn the character of American freemen.

When Mr. CLAY had concluded,

Mr. BUCHANAN rose and spoke as follows:

Mr. President: after the able and eloquent display of the Senator from Kentucky [Mr. CLAY] who has just resumed his seat, after having so long enchained the attention of his audience, it might be the dictate of prudence for me to remain silent. But I feel too deeply my responsibility as an American Senator, not to make the attempt to place before the Senate and the country the reasons which, in my opinion, will justify the vote which I intend to give this day.

A more grave and solemn question has rarely, if ever, been submitted to the Senate of the United States, than the one now under discussion. This Senate is now called upon to review its own decision, to rejudge its own justice, and to annihilate its own sentence, deliberately pronounced against the co-ordinate executive branch of this Government. On the 28th of March, 1834, the American Senate, in the face of the American people, in the face of the whole world, by a solemn resolution, pronounced the President of the United States to be a violator of the constitution of his country—of that constitution which he had solemnly sworn "to preserve, protect, and defend." Whether we consider the exalted character of the tribunal which pronounced this condemnation, or the illustrious object against which it was directed, we ought to feel deeply impressed with the high and lasting importance of the present proceeding. It is in fact, if not in form, the trial of the Senate for having unjustly and unconstitutionally tried and condemned the President; and their accusers are the American people. In this cause I am one of the judges. In some respects, it is a painful position for me to occupy. It is vain, however, to express unavailing regrets. I must, and shall, firmly and sternly, do my duty, although in the performance of it I may wound the feelings of gentlemen whom I respect and esteem. I shall proceed no further than the occasion demands, and will, therefore, justify.

Who was the President of the United States against whom this sentence has been pronounced? Andrew Jackson—a name which every American mother, after the party strife which agitates us for the present moment shall have passed away, will, during all the generations which this republic is destined to endure, teach her infant to lisp with that of the venerated name of Washington. The one was the founder, the other the preserver, of the liberties of his country.

If President Jackson has been guilty of violating the constitution of the United States, let impartial justice take its course. I admit that it is no justification for such a crime that his long life has been more distinguished by acts of disinterested patriotism than that of any American citizen now living. It is no justification that the honesty of his heart and the purity of his intentions have become proverbial, even amongst his political enemies. It is no justification that in the hour of danger, and in the day of battle, he has been his country's shield. If he has been guilty, let his name be "damned to everlasting fame," with those of Cæsar and of Napoleon.

If, on the other hand, he is pure and immaculate from the charge, let us be swift to do him justice, and to blot out the foul stigma which the Senate have placed upon his character. If we are not, he may go down to the grave in doubt as to what may be the final judgment of his country. In any event, he must soon retire to the shades of private life. Shall we, then, suffer his official term to expire without first doing him justice? It may be said of me, as it has already been said of other Senators, that I am one of the gross adulators of the Presi

dent. But, sir, I have never said thus much of him whilst he was in the meridian of his power. Now, that his political sun is nearly set, I feel myself at liberty to pour forth my grateful feelings, as an American citizen, to a man who has done so much for his country. I have never, for myself, either directly or indirectly, solicited office at his hands; and my character must greatly change, if I should ever do so from any of his successors. If I should bestow upon him the meed of my poor praise, it springs from an impulse far different from that which has been attributed to the majority on this floor. I speak as an independent freeman and American Senator; and I feel proud now to have the opportunity of raising my voice in his defence.

On the 28th day of March, 1834, the Senate of the United States resolved "that the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

In discussing this subject, I shall undertake to prove, first, that this resolution is unjust; secondly, that it is unconstitutional; and in the last place, that it ought to be expunged from our journals, in the manner proposed by the Senator from Missouri, [Mr. BENTON.]

First, then, it is unjust. On this branch of the subject, I had intended to confine myself to a bare expression of my own decided opinion. This point has been so often and so ably discussed, that it is impossible for me to cast any new light upon it. But as it is my intention to follow the footsteps of the Senator from Kentucky, [Mr. CLAY,] wherever they may lead, I must again tread the ground which has been so often trodden. As the Senator, however, has confined himself to a mere passing reference to the topics which this head presents, I shall, in this particular, follow his example.

Although the resolution condemning the President is vague and general in its terms, yet we all know that it was founded upon his removal of the public deposites from the Bank of the United States. The Senator from Kentucky has contended that this act was a violation of law. And why? Because, says he, it is well known that the public money was secure in that institution; and by its charter the public deposites could not be removed from it, unless under a just apprehension that they were in danger. Now, sir, I admit that if the President had no right to remove these deposites, except for the sole reason that their safety was in danger, the Senator has established his position. But what is the fact? Was the Government thus restricted by the terms of the bank charter? I answer, no. Such a limitation is nowhere to be found in it. Let me read the sixteenth section, which is the only one relating to the subject. It enacts, "that the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

Is not the authority thus conferred upon the Secretary of the Treasury as broad and as ample as the English language will admit? Where is the limitation, where the restriction? One might have supposed, from the argument of the Senator from Kentucky, that the charter had restricted the Secretary of the Treasury from removing the deposites, unless he believed them to be insecure in the Bank of the United States; but the language of the law itself completely refutes his argument. They were to remain in the Bank of the United States, "unless the Secretary of the Treasury shall at any time otherwise order and direct."

The sole limitation upon the discretion of that officer was his immediate and direct responsibility to Congress. To us he was bound to render his reasons for removing the deposites. We, and we alone, are constituted the judges as to the sufficiency of these reasons.

It would be an easy task to prove that the authors of the bank charter acted wisely in not limiting the discretion of the Secretary of the Treasury over the deposites to the single case of their apprehended insecurity. We may imagine many other reasons which would have rendered their removal both wise and expedient. But I forbear, especially as the case now before the Senate presents as striking an illustration of this proposition as I could possibly imagine. Upon what principle, then, do I justify the removal of the deposites?

The Bank of the United States had determined to apply for a recharter at the session of Congress immediately preceding the last presidential election. Preparatory to this application, and whilst it was pending, in the short space of sixteen months, it had increased its loans more than $28,000,000. They rose from forty-two millions to seventy millions between the last of December, 1830, and the 1st of May, 1832. Whilst this boasted regulator of the currency was thus expanding its discounts, all the local banks followed the example. The impulse of self-interest urged them to pursue this course. A delusive prosperity was thus spread over the land. Money, every where, became plenty. The bank was regarded as the beneficent parent, who was pouring her money out into the laps of her children. She thought herself wise and provident in thus rendering herself popular. The recharter passed both Houses of Congress by triumphant majorities. But then came "the frost, the killing frost." It was not so easy to propitiate "the Old Roman." Although he well knew the power and influence which the bank could exert against him at the then approaching presidential election, he cast such considerations to the winds. He vetoed the bill, and, in the most solemn manner, placed himself for trial upon this question before the American people.

From that moment the faith of many of his former friends began to grow cold. The bank openly took the field against his re-election. It expended large sums in subsidizing editors, and in circulating pamphlets, and papers, and speeches, throughout the Union, calculated to inflame the public mind against the President. I merely glance at these things.

Let us pause, for a single moment, to consider the consequences of such conduct. What right had the bank, as a corporation, to enter the arena of politics, for the purpose of defending itself, and attacking the President? Whilst I freely admit that each individual stockholder possessed the same rights, in this respect, as every other American citizen, I pray you to consider what a dangerous precedent the bank has thus established. Our banks now number nearly a thousand, and our other chartered institutions are almost innumerable. If all these corporations are to be justified in using their corporate funds for the purpose of influencing elections, of elevating their political friends, and crushing their political foes, our condition is truly deplorable. We shall thus introduce into the State a new, a dangerous, and an alarming power, the effects of which no man can anticipate. Watchful jealousy is the price which a free people must ever pay for their liberties; and this jealousy should be argus-eyed in watching the political movements of corporations.

After the bank had been defeated in the presidential election, it adopted a new course of policy. What it had been unable to accomplish by making money plenty, it determined it would wrest from the sufferings of the people by making money scarce. Pressure and panic

then became its weapons; and with these it was determined, if possible, to extort a recharter from the American people. It commenced this warfare upon the interests of the country about the 1st of August, 1833. In two short months it decreased its loans more than four millions of dollars, whilst the deposites of the Government with it had increased, during the same period, two millions and a quarter. I speak in round numbers. It was then in the act of reducing its discounts at the rate of two millions of dollars per month.

The State banks had expanded their loans with the former expansion of the Bank of the United States. It now became necessary to contract them. The severest pressure began to be felt every where. Had the Bank of the United States been permitted a short time longer to proceed in this course, fortified as it was with the millions of the Government which it held on deposite, a scene of almost universal bankruptcy and insolvency must have been presented in our commercial cities. It thus became absolutely necessary for the President either to deprive the bank of the public deposites, as the only means of protecting the State banks, and, through them, the people, from these impending evils, or calmly to look on and see it spreading ruin throughout the land. It was necessary for him to adopt this policy for the purpose of preventing a universal derangement of the currency, a general sacrifice of property, and, as an inevitable consequence, the recharter of this institution.

By the removal of the deposites, he struck a blow against the bank from which it has never since recovered. This was the club of Hercules with which he slew the Hydra. This was the master-stroke by which he prostrated what a large majority of the American people believe to have been a corrupt and a corrupting institution. For this he is not only justified, but deserves the eternal gratitude of his country. For this the Senate have condemned him; but the people of the United States have hailed him as a deliverer.

It has been said by the Senator from Kentucky, that the President, by removing the deposites from the Bank of the United States, united in his own person the power of the purse of the nation with that of the sword. I think it is not difficult to answer this argument. What was to become of the public money, in case it had been removed from the Bank of the United States, under its charter, for the cause which the Senator himself deems justifiable? Why, sir, it would then have been immediately remitted to the guardianship of those laws under which it had been protected before the Bank of the United States was called into existence. Such was the present case. In regard to this point, no matter whether the cause of removal were sufficient or not, the moment the deposites were actually removed, they became subject to the pre-existing laws, and not to the arbitrary will of the President.

The Senator from Kentucky has contended that the President violated the constitution and the laws by dismissing Mr. Duane from office because he would not remove the deposites, and by appointing Mr. Taney to accomplish this purpose. I shall not discuss at any length the power of removal. It is now too late in the day to question it. That the Executive possesses this power was decided by the first Congress. It has often since been discussed and decided in the same manner, and it has been exercised by every President of the United States. The President is bound by the constitution to "take care that the laws be faithfully executed." If he cannot remove his executive officers, it is impossible that he can perform this duty. Every inferior officer might set up for himself; might violate the laws of the country, and put him at defiance, whilst he would remain perfectly powerless. He could not arrest their career. A foreign minister might be betraying and disgracing the nation abroad, without any power to recall him until the next meeting of the Senate. This construction of the constitution involves so many dangers, and so many absurdities, that it could not be maintained for a moment, even if there had not been a constant practice against it of almost half a century.

But it is contended by the Senator that the Secretary of the Treasury is a sort of independent power in the State, and is released from the control of the Executive. And why? Simply because he is directed by law to make his annual report to Congress, and not to the President. If this position be correct, then it necessarily follows that the Executive is released from the obligation of taking care that the numerous and important acts of Congress regulating the fiscal concerns of the country shall be faithfully executed. The Secretary of the Treasury is thus made independent of his control. What would be the position of this officer under such a construction of the constitution and laws, it would be very difficult to decide. And this wonderful transformation of his character has arisen from the mere circumstance that Congress have by law directed him to make an annual report to them! No, sir; the Executive is responsible to Congress for the faithful execution of the laws; and if the present or any other President should prove faithless to his high trust, the present Senate, notwithstanding all which has been said, would be as ready as their predecessors to inflict condign punishment upon him, in the mode pointed out by the constitution.

I have now arrived at the great question of the constitutional power of the Senate to adopt the resolution of March, 1834. It is my firm conviction that the Senate possesses no such power; and it is now my purpose to establish this position. The decision on this point must depend upon a true answer to the question, does this resolution contain any impeachable charge against the President? If it does, I trust I shall demonstrate that the Senate violated its constitutional duty in proceeding to condemn him in this manner. I shall again read the resolution:

"*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

This language is brief and comprehensive. It comes at once to the point. It bears a striking impress of the character of the Senator from Kentucky. Does it charge an impeachable offence against the President?

The fourth section of the second article of the constitution declares that "the President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

It has been contended that this condemnatory resolution contains no impeachable offence, because it charges no criminal intention against the President; and I admit that it does not attribute to him any corrupt motive in express words. Is this sufficient to convince the judgment of any impartial man that none such was intended? Let us, for a few moments, examine this proposition. If it be well founded, the Senate may forever hereafter usurp the power of trying, condemning, and destroying, any officer of the Government, without affording him the slightest opportunity of being heard in his defence. They may thus abuse their power, and prostrate any object of their vengeance. It seems we have now made the discovery that the Senate are authorized to exert this tremendous power; that they may thus assume to themselves the office both of accuser and of judge, provided the indictment contains no express allegation of a criminal intention. The President, or any officer of the Government, may be denounced by the Senate as a vio-

lator of the constitution of his country, as derelict in the performance of his public duties, provided there be no express imputation of an improper motive. The characters of men whose reputation is dearer to them than their lives may thus be destroyed. They may be held up to public execration by the omission of a few formal words. The condemnation of the Senate carries with it such a moral power, that perhaps there is no man in the United States, except Andrew Jackson, who could have resisted its force. No, sir; such an argument can never command conviction. That which we have no power to do directly, we can never accomplish by indirect means. We cannot by resolution convict a man of an impeachable offence, merely because we may omit the formal words of an impeachment. we must regard the substance of things, and not the mere form.

But again: Although a criminal intention be not charged in so many words, by this resolution, yet its language, even without the attendant circumstances, clearly conveys this meaning. The President is charged with having "assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." "Assumed upon himself!" What is the plain, palpable meaning of this phrase, connected with what precedes and follows? Is it not "to arrogate," "to claim or seize unjustly?" These are two of the first meanings of the word *assume*, acoording to the lexicographers. To assume upon one's self, is a mode of expression which is rarely taken in a good sense. As it is used here, I ask if any man of plain, common understanding, after reading this resolution, would ever arrive at the conclusion that any Senator voted for it under the impression that the President was innocent of any improper intention, and that he violated the constitution from mere mistake, and from pure motives? The common sense of mankind revolts at the idea. How can it be contended, for a single moment, that you can denounce the President as a man who had "assumed upon himself" the power of violating the laws and the constitution of his country, and in the same breath declare that you had not the least intention to criminate him, and that your language was altogether inoffensive? The two propositions are manifestly inconsistent.

But I go one step further. If we were sitting as a court of impeachment, and the bare proposition were established to our satisfaction, that the President had, in violation of the constitution and laws, withdrawn the public revenue of the country from the depository to whose charge Congress had committed it, and assumed the control over it himself, we would be bound to convict him of a high official misdemeanor. Under such circumstances, we should be bound to infer a criminal intention from this illegal and unconstitutional act. Criminal justice could never be administered, society could not exist, if the tribunals of the country should not attribute evil motives to illegal and unconstitutional conduct. Omniscience alone can examine the heart. When poor, frail man is placed in the judgment seat, he must infer the intentions of the accused from his actions. That "the tree is known by its fruits," is an axiom which we have derived from the fountain of all truth. Does a poor, naked, hungry wretch, at this inclement season of the year, take from my pocket a single dollar, the law infers a criminal intent, and he must be convicted and punished as a thief, though he may have been actuated by no other motive than that of saving his wife and children from starvation. And shall a different rule be applied to the President of the United States? Shall it be said of a man elevated to the highest station on earth, for his wisdom, his integrity, and his virtues, with all his constitutional advisers around him, when he violates the constitution of his country, and usurps the control over its entire revenue, that he may successfully defend himself by declaring that he had done this deed without any criminal intention? No, sir; in such a case, above all others, the criminal intention must be inferred from the unconstitutional exercise of high and dangerous powers. The safety of the republic demands that the President of the United States should never shield himself behind such flimsy pretexts. This resolution, therefore, although it may not have assumed the form of an article of impeachment, possesses all the substance.

It was my fate some years ago to have assisted as a manager, in behalf of the House of Representatives, in the trial of an impeachment before this body. It then became my duty to examine all the precedents in such cases which had occurred under our Government since the adoption of the federal constitution. On that occasion I found one which has a strong bearing upon this question. I refer to the case of Judge Pickering. He was tried and condemned by the Senate upon all the four articles exhibited against him, although the three first contained no other charge than that of making decisions contrary to law, in a cause involving a mere question of property, and then refusing to grant the party injured an appeal from his decision, to which he was entitled. From the clear violation of the law, in this case, the Senate must have inferred an impure and improper motive.

If any thing further were wanting to prove that the resolution of the Senate contained a criminal and impeachable charge against the President, it might be demonstrated from all the circumstances attending the transaction. Whilst this resolution was in progress through the Senate, the Bank of the United States was employed in producing panic and pressure throughout the land. Much actual suffering was experienced by the people; and where that did not exist, they dreaded unknown and awful calamities. Confidence between man and man was at an end. There was a fearful pause in the business of the country. We were then engaged in the most violent party conflict recorded in our annals. To use the language of the Senator from Kentucky, we were in the midst of a revolution. On the one side it was contended that the power over the purse of the nation had been usurped by the President; that in his own person he had united this power with that of the sword, and that the liberties of the people were gone, unless he could be arrested in his mad career. On the other hand, the friends of the President maintained that the removal of the deposites from the Bank of the United States was an act of stern justice to the people; that it was strictly legal and constitutional; that he was impelled to it by the highest and purest principles of patriotism; and that it was the only means of prostrating an institution which threatened the destruction of our dearest rights and liberties. During this terrific conflict, public indignation was aroused to such a degree, that the President received a great number of anonymous letters, threatening him with assassination, unless he should restore the deposites.

It was during the pendency of this conflict throughout the country, that the Senator from Kentucky thought proper, on the 26th of December, 1833, to present his condemnatory resolution to the Senate. And here, sir, permit me to say, that I do not believe there was any corrupt connexion between any Senator upon this floor and the Bank of the United States. But it was at this inauspicious moment that the resolution was introduced. How was it supported by the Senator from Kentucky? He told us that a revolution had already commenced. He told us that by the 3d of March, 1837, if the progress of innovation should continue, there would be scarcely a vestige remaining of the Government and policy, as they had existed prior to the 3d of March, 1829. That in a term of years, a little more than that which was required to

establish our liberties, the Government would be transformed into an elective monarchy—the worst of all forms of government. He compared the measure adopted by General Jackson with the conduct of the usurping Cæsar, who, after he had overrun Italy in sixty days, and conquered the liberties of his native country, terrified the tribune Metellus, who guarded the Treasury of the Roman people, and seized it by open force. He declared that the President had perpetrated an open, palpable, and daring usurpation. He concluded by asserting that the premonitory symptoms of despotism were upon us; and if Congress did not apply an instantaneous and effective remedy, the fatal collapse would soon come on, and we should die—ignobly die—base, mean, and abject slaves, the scorn and contempt of mankind, unpitied, unwept, and unmourned. What a spectacle was then presented in this chamber! We are told, in the reports of the day, that, when he took his seat, there was repeated and loud applause in the galleries. This, it will be remembered, was the introductory speech of the Senator. In my opinion, it was one of the ablest and most eloquent of all his able and eloquent speeches. He was then riding upon the whirlwind and directing the storm. At the time I read it, for I was not then in the Senate, it reminded me of the able, the vindictive, and the eloquent appeal of Mr. Burke before the House of Lords, on the impeachment of Warren Hastings, in which he denounced that Governor General as the ravager and oppressor of India, and the scourge of the millions who had been placed under his authority.

And yet, we are now told that this resolution did not intend to impute any criminal motive to the President; that he was a good old man, though not a good constitutional lawyer; and that he knew better how to wield the sword than to construe the constitution.

[Mr. CLAY here rose to explain. He said, "I never have said, and never will say, that personally I acquitted the President of any improper intention. I lament that I cannot say it. But what I did say was, that the act of the Senate of 1834 is free from the imputation of any criminal motives."]

Sir, (said Mr. B.,) this avowal is in character with the frank and manly nature of the Senator from Kentucky. It is no more than what I expected from him. The imputation of any improper motive to the President has been again and again disclaimed by other Senators upon this floor. The Senator from Kentucky has now boldly come out in his true colors, and avows the principles which he held at the time. He acknowledges that he did not acquit the President from improper intentions, when charging him with a violation of the constitution of his country.

This trial of the President before the Senate continued for three months. During this whole period, instead of the evidence which a judicial tribunal ought to receive, exciting memorials, signed by vast numbers of the people, and well calculated to inflame the passions of his judges, were poured in upon the Senate. He was denounced upon this floor by every odious epithet which belongs to tyrants. Finally, the obnoxious resolution was adopted by the vote of the Senate, on the 28th day of March, 1834.

After the exposition which I have made, can any impartial mind doubt but that this resolution intended to charge against the President a wilful and daring violation of the constitution and the laws? I think not.

The Senator from Kentucky has argued, with his usual power, that the functions of the Senate, acting in a legislative capacity, are not to be restricted, because it is possible that the same question, in another form, may come before us judicially. I concur in the truth and justice of this position. We must perform our legislative duties; and if, in the investigation of facts, having legislation distinctly in view, we should incidentally be led to the investigation of criminal charges, it is a necessity imposed upon us by our condition, from which we cannot escape. It results from the varying nature of our duties, and not from our own will. I admit that it would be difficult to mark the precise line which separates our legislative from our judicial functions. I shall not attempt it. In many cases, from necessity, they are in some degree intermingled. The present resolution, however, stands far in advance of this line. It is placed in bold relief, and is clear of all such difficulties. It is a mere naked resolution of censure. It refers solely to the past conduct of the President, and condemns it in the strongest terms, without even proposing any act of legislation by which the evil may be remedied hereafter. It was judgment upon the past alone; not prevention for the future. Nay, more: the resolution is so vague and general in its terms, that it is impossible to ascertain from its face the cause of the President's condemnation. The Senate have resolved that the Executive "has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." What is the specification under this charge? Why, that he has acted thus, "in the late executive proceedings in relation to the public revenue." What executive proceedings? The resolution leaves us entirely in the dark upon this subject. How could any legislation spring from such a resolution? It is impossible. None such was ever attempted.

If the resolution had preserved its original phraseology; if it had condemned the President for dismissing one Secretary of the Treasury because he would not remove the deposites, and for appointing his successor to effect this purpose, the Senator might then have contended that the evil was distinctly pointed out; and, although no legislation was proposed, the remedy might be applied hereafter. But he has deprived himself even of this feeble argument. He has left us upon an ocean of uncertainty, without chart or compass. "The late executive proceedings in relation to the revenue" is a phrase of the most general and indefinite character. Every Senator who voted in favor of this resolution may have acted upon different principles. To procure its passage, nothing more was necessary than that a majority should unite in the conclusion that the President had violated the constitution and the laws in some one or other of his numerous acts in relation to the public revenue. The views of Senators constituting the majority may have varied from each other to any conceivable extent; and yet they may have united in the final vote. That this was the fact to a considerable extent, I have always understood. It is utterly impossible either that such a proceeding could ever have been intended to become the basis of legislation, or that legislative action could have ever sprung from such a source.

I flatter myself, then, I have succeeded in proving that this resolution charged the President with a high official misdemeanor, wholly disconnected from legislation, which, if true, ought to have subjected him to impeachment.

This brings me directly to the question, had the Senate any power, under the constitution, to adopt such a resolution? In other words, can the Senate condemn a public officer, by a simple resolution, for an offence which would subject him to an impeachment? To state the proposition, is to answer this question in the negative. Dreadful would be the consequences, if we possess and should exercise such a power.

This body is invested with high and responsible powers, of a legislative, an executive, and a judicial character. No person can enter it until he has attained a mature age. Our term of service is longer than that of any other elective functionary. If Senators will have it so,

it is the most aristocratic branch of our Government. For what purpose did the framers of the constitution confer upon it these varied and important powers, and this long tenure of office? The answer is plain. It was placed in this secure and elevated position that it might be above the storms of faction which so often inflame the passions of men. It never was intended to be an arena for political gladiators. Until the second session of the third Congress, the Senate always sat with closed doors, except in the single instance when the eligibility of Mr. Gallatin to a seat in the body was the subject under discussion. Of this particular practice, however, I cannot approve. I merely state it to show the intention of those who formed the constitution. I was informed by one of the most eminent statesmen and Senators which this country has ever produced, now no more, (the late Mr. King,) that for some years after the Federal Government commenced its operation, the debates of the Senate resembled conversations rather than speeches, and that it originated but few legislative measures. Senators were then critics rather than authors in legislation. Whether its gain in eloquence, since it has become a popular assembly, and since the sound of thundering applause has been heard in our galleries at the denunciation of the President, has been an equivalent for its loss in true dignity, may well be doubted. To give this body its just influence with the people, it ought to preserve itself as free as possible from angry political discussions. In the performance of our executive duties—in the ratification of treaties and in the confirmation of nominations—the constitution has connected us with the Executive. The efficient and successful administration of the Government, therefore, requires that we should move on together in as much harmony as may be consistent with the independent exercise of our respective functions.

But, above all, we should be the most cautious in guarding our judicial character from suspicion. We constitute the high court of impeachment of this nation, before which every officer of the Government may be arraigned. To this tribunal is committed the character of men, whose character is far dearer to them than their lives. We should be the rock, standing in the midst of the ocean, for the purpose of affording a shelter to the faithful officer from unjust persecution, against which the billows might dash themselves in vain. Whilst we are a terror to evil-doers, we should be a praise to those who do well. We should never voluntarily perform any act which might prejudice our judgment, or render us suspected as a judicial tribunal. More especially, when the President of the United States is arraigned at the bar of public opinion, for offences which might subject him to an impeachment, we should remain, not only chaste, but unsuspected. Better, infinitely better, would it be for us not to manifest our feeling, even in a case in which we were morally certain the House of Representatives would not prefer before us articles of impeachment, than to reach the object of our disapprobation by a usurpation of their rights. It is true that, when the Senate passed the resolution condemning the President, a majority in the House were of a different opinion. But the next elections might have changed that majority into a minority. The House might then have voted articles of impeachment against the President. Under such circumstances, I pray you to consider in what a condition the Senate would have been placed. They had already prejudged the case. They had already convicted the President, and denounced him to the world as a violator of the constitution. In criminal prosecutions, even against the greatest malefactor, if a juror has prejudged the cause, he cannot enter the jury-box. The Senate had rendered itself wholly incompetent, in this case, to perform its highest judicial functions. The trial of the President, had articles of impeachment been preferred against him, would have been but a solemn mockery of justice.

The constitution of the United States has carefully provided against such an enormous evil, by declaring that "the House of Representatives shall have the sole power of impeachment," and "the Senate shall have the sole power to try all impeachments." Until the accused is brought before us by the House, it is a manifest violation of our solemn duty to condemn him by a resolution.

If a court of criminal jurisdiction, without any indictment having been found by a grand jury, without having given the defendant notice to appear, without having afforded him an opportunity of cross-examining the witnesses against him, and making his defence, should resolve that he was guilty of a high crime, and place this conviction upon their records, all mankind would exclaim against the injustice and unconstitutionality of the act. Wherein consists the difference between this case and the condemnation of the President? In nothing, except that such a conviction by the Senate, on account of its exalted character, would fall with tenfold force upon its object. I have often been astonished, notwithstanding the extended and well-deserved popularity of General Jackson, that the moral influence of this condemnation by the Senate had not crushed him. With what tremendous effect might this assumed power of the Senate be used to blast the reputation of any man who might fall under its displeasure. The precedent is extremely dangerous, and the American people have wisely determined to blot it out forever.

It is painful to reflect what might have been the condition of the country, if, at the inauspicious moment of the passage of the resolution against the President, its interests and its honor had rendered it necessary to engage in a foreign war. The fearful consequences of such a condition, at such a moment, must strike every mind. Would the Senate then have confided to the President the necessary power to defend the country? Where could the sinews of war have been found? In what condition was this body at that moment to act upon an important treaty negotiated by the President, or upon any of his nominations? But I forbear to enlarge upon this topic.

I have now arrived at the last point in this discussion. Do the Senate possess the power, under the constitution, of expunging the resolution of March, 1834, from their journals, in the manner proposed by the Senator from Missouri? [Mr. BENTON.] I cheerfully admit that we must show that this is not contrary to the constitution; for we can never redress one violation of that instrument by committing another. Before I proceed to this branch of the subject, I shall put myself right by a brief historical reminiscence. I entered the Senate in December, 1834, fresh from the ranks of the people, without the slightest feeling of hostility against any Senator on this floor. I then thought that the resolution of the Senator from Missouri was too severe in proposing to expunge. Although I was anxious to record, in strong terms, my entire disapprobation of the resolution of March, 1834, yet I was willing to accomplish this object without doing more violence to the feelings of my associates on this floor than was absolutely necessary to justify the President. Actuated by these friendly motives, I exerted all my little influence with the Senator from Missouri, to induce him to abandon the word *expunge*, and substitute some others in its place. I knew that this word was exceedingly obnoxious to the Senators who had voted for the former resolution. Other friends of his also exerted their influence; and at length his kindly feeling prevailed, and he consented to abandon that word, although it was peculiarly dear to him. I speak from my own

knowledge. "All which I saw, and part of which I was."

The resolution of the Senator from Missouri came before the Senate on the 3d of March, 1835. Under it the resolution of March, 1834, was "ordered to be expunged from the journal," for reasons appearing on its face, which I need not enumerate. The Senator from Tennessee [Mr. WHITE] moved to amend the resolution of the Senator from Missouri, by striking out the order to expunge, with the reasons for it, and inserting in their stead the words "rescinded, reversed, repealed, and declared to be null and void." Some difference of opinion then arose among the friends of the administration as to the words which should be substituted in place of the order to expunge. For the purpose of leaving this question perfectly open, you, sir, (Mr. KING, of Alabama, was in the chair,) then moved to amend the original motion of Mr. BENTON, by striking out the words "ordered to be expunged from the journal of the Senate." This motion prevailed, on the ayes and noes, by a vote 39 to 7; and amongst the ayes the name of the Senator from Missouri is recorded. The resolution was thus left a blank, in its most essential feature, ready to be filled up as the Senate might direct. The era of good feeling in regard to this subject had commenced. It was nipped in the bud, however, by the Senator from Massachusetts, [Mr. WEBSTER.] Whilst the resolution was still in blank, he rose in his place, and proclaimed the triumph of the constitution by the vote to strike out the word *expunge*, and then moved to lay the resolution on the table, declaring that he would neither withdraw his motion for friend nor foe. This motion precluded all amendment and all debate. It prevailed by a party vote; and thus we were left with our resolution a blank. Such was the manner in which the Senators in opposition received our advances of courtesy and kindness, in the moment of their strength and our weakness. Had the Senator from Massachusetts suffered us to proceed but for five minutes, we should have filled up the blank in the resolution. It would then have assumed a distinct form, and they would never afterwards have heard of the word *expunge*. We should have been content with the words "rescinded, reversed, repealed, and declared to be null and void." But the conduct of the Senator from Massachusetts on that occasion, and that of the party with which he acted, roused the indignation of every friend of the administration on this floor. We then determined that the word *expunge* should never again be surrendered.

The Senator from Kentucky has introduced a precedent from the proceedings of the House of Representatives of Pennsylvania, for the purpose of proving that we have no right to adopt this resolution. To this I can have no possible objection. But I can tell the Senator, if I were convinced that I had voted wrong when comparatively a boy, more than twenty years ago, the fear of being termed inconsistent would not now deter me from voting right upon the same question. I do not, however, repent of my vote upon that occasion. I would now vote in the same manner, under similar circumstances. I should not vote to expunge, under any circumstances, any proceeding from the journals, by obliterating the record. If I do not prove, before I take my seat, that the case in the Legislature of Pennsylvania was essentially different from that now before the Senate, I shall agree to be proclaimed inconsistent and time-serving.

It was my settled conviction, at the commencement of the last session of Congress, that the Senate had no power to obliterate their journal. This was shaken, but not removed, by the argument of the Senator from Louisiana, [Mr. PORTER,] who confessedly made the ablest speech on the other side of the question. The constitution declares that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy." What was the position which that Senator then attempted to maintain? In order to prove that we had no power to obliterate or destroy our journals, he thought it necessary to contend that the word "keep," as used in the constitution, means both to record and to preserve. This appeared to me to be a mere begging of the question.

I shall attempt no definition of the word "keep." At least since the days of Plato, we know that definitions have been dangerous. Yet I think that the meaning of this word, as applied to the subject-matter, is so plain, that he who runs may read. If I direct my agent to keep a journal of his proceedings, and publish the same, my palpable meaning is, that he shall write these proceedings down from day to day, and publish what he has written, for general information. After he has obeyed my commands, after he has kept his journal and published it to the world, he has executed the essential part of the trust confided to him. What may become of this original manuscript journal afterwards, is a matter of total indifference. So in regard to the manuscript journals of either House of Congress: after more than a thousand copies have been printed and published, and distributed over the Union, it is matter of not the least importance what disposition may be made of them. They have answered their purpose, and, in any practical view, become useless. If they were burnt, or otherwise destroyed, it would not be an event of the slightest public consequence. Such indifference has prevailed upon this subject, that these journals have been considered, in the House of Representatives, as so much waste paper, and, during a period of thirty-four years after the organization of the Government they were actually destroyed. (Vide the Appendix.) From this circumstance, no public or private inconvenience has been or ever can be sustained; because our printed journals are received in evidence in all courts of justice, in the same manner as if the originals were produced.

The Senator from Louisiana has discovered that to "keep" means both "to record" and "to preserve." But can you give this, or any other word in the English language, two distinct and independent meanings at the same time, as applied to the same subject? I think not. From the imperfection of human language, from the impossibility of having appropriate words to express every idea, the same word, as applied to different subjects, has a variety of significations. As applied to any one subject, it cannot, at the same time, convey two distinct meanings. In the constitution it must mean either "to write down," or "to preserve." It cannot have both significations. Let Senators, then, take their choice. If it signifies "to write down," as it unquestionably does, what becomes of the constitutional injunction to preserve? The truth is, that the constitution has not provided what shall be done with the manuscript journal, after it has served the purposes for which it was called into existence. When it has been published to the people of the United States, for whose use it was ordered to be kept, after it has thus been perpetuated, and they have been furnished with the means of judging of the public conduct of their public servants, it ceases to be an object of the least importance. Whether it be thrown into the garret of the Capitol, with other useless lumber, or be destroyed, is a matter of no public interest. It has probably never once been referred to in the history of our Government. If it should ever be determined to be a violation of the constitution to obliterate or destroy this manuscript journal, it must be upon different principles from those which have been urged in this debate. My own impression is, that, as the framers of the constitution have directed us to keep a

journal, a constructive duty may be implied from this command, which would forbid us to obliterate or destroy it. Under this impression, I should vote, as I did twenty years ago, in the Legislature of Pennsylvania, against any proposition actually to expunge any part of the journal. But, waiving this unprofitable discussion, let us proceed to the real point in controversy.

Is any such proceeding as that of actually expunging the journal proposed by the resolution of the Senator from Missouri? I answer, no such thing. If the constitution had, in express terms, directed us to record and to preserve a journal of our proceedings, there is nothing in the resolution now before us, which would be inconsistent with such a provision.

Is the drawing of a black line around the resolution of the Senate of March, 1834, to obliterate or to deface it? On the contrary, is it not to render it more conspicuous—to place it in bold relief—to give it a prominence in the public view beyond any other proceeding of this body in past, and, I trust, in all future time? If the argument of Senators were, not that we have no power to obliterate, but that the Senate possessed no power to render one portion of the journal more conspicuous than another, it would have had much greater force. Why, sir, by means of this very proceeding, that portion of our journal upon which it operates will be rescued from a slumber which would otherwise have been eternal, and fac similes of the original resolution, without a word or a letter defaced, will be circulated over the whole Union.

But, sir, this resolution also directs that across the face of the condemnatory resolution there shall be written by the Secretary, "Expunged by order of the Senate, this —— day of ——, in the year of our Lord 1837."

Will this obliterate any part of the original resolution? If it does, the duty of the Secretary will be performed in a very bungling manner. No such thing is intended. It would be easy to remove every scruple from every mind upon this subject, by amending the resolution of the Senrtor from Missouri, so as to direct the Secretary to perform his duty in such a manner as not to obliterate any part of the condemnatory resolution. Such a direction, however, appears to me to be wholly unnecessary. The nature of the whole proceeding is very plain. We now adopt a resolution expressing our strong reprobation of the original resolution; and for this purpose we use the word "expunged," as the strongest term which we can apply. We then direct our Secretary to draw black lines around it, and place such a reference to our proceedings of this day upon its face, that in all time to come, whoever may inspect this portion of our journal, will be pointed at once to the record of its condemnation. What lawyer has not observed upon the margin of the judgment docket, if the original judgment has been removed to a superior court, and there reversed, a minute of such reversal? In our editions of the statutes, have we not all noted the repeal of any of them which may have taken place at a subsequent period? Who ever heard, in the one case or in the other, that this was obliterating or destroying the record or the book? So, in this case, we make a mere reference to our future proceeding upon the face of the resolution, instead of the margin. Suppose we should only repeal the obnoxious resolution, and direct such a reference to be made upon its face: would any Senator contend that this would be an obliteration of the journal?

But it has been contended that the word *expunge* is not the appropriate word; and we have wrested it from its true signification, in applying it to the present case. Even if this allegation were correct, the answer would be at hand. You might then convict us of bad taste, but not of a violation of the constitution. On the face of the resolution we have stated distinctly what we mean. We have directed the Secretary in what manner he shall understand it, and we have excluded the idea that it is our intention to obliterate or to destroy the journal.

But I shall contend that the word *expunge* is the appropriate word, and that there is not another in the English language so precisely adapted to convey our meaning. I shall show from the highest literary and parliamentary authorities, that this word has acquired a signification entirely distinct from that of actual obliteration. Let me proceed immediately to this task. After citing my authorities, I shall proceed with the argument. First, then, for those of a literary character. I read from Crabbe's Synonymes, page 140; and every Senator will admit that this is a work of established reputation. In speaking of the use of the word "expunge," the author says: "When the contents of a book are in part rejected, they are aptly described as being expunged; in this manner the free-thinking sects expunge every thing from the Bible which does not suit their purpose, or they expunge from their creed what does not humor their passions." The idea that an actual obliteration was intended in these cases would be manifestly absurd. In the same page there is a quotation from Mr. Burke, to illustrate the meaning of this word. "I believe," says he, "that any person who was of age to take a part in public concerns forty years ago (if the intermediate space were expunged from his memory) could hardly credit his senses when he should hear that an army of two hundred thousand men was kept up in this island." I shall now cite Mr. Jefferson as a literary authority. He has often been referred to on this floor as a standard in politics. For this high authority, I am indebted to my friend from Louisiana, [Mr. NICHOLAS.] In the original draught of the declaration of independence he uses the word "expunge" in following manner: "Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to expunge their former system of government." Although the word "alter" was afterwards substituted for expunge, I presume upon the ground that this was too strong a term, yet the change does not detract from the literary authority of the precedent.—*Jefferson's Correspondence, &c. 1st vol. page* 17.

I presume that I have shown that the word "expunge" has acquired a distinct metaphorical meaning in our literature, which excludes the idea of actual obliteration. If I should proceed one step further, and prove that, in legislative proceedings, it has acquired the very same signification, I shall then have fully established my position. For this purpose I cite, first, "the Secret Proceedings and Debates of the Federal Convention." In page 118 we find the following entries: "On motion to expunge the clause of the qualification as to age, it was carried—ten States against one." Again: "On the clause respecting the ineligibility to any other office, it was moved that the words 'by any particular State' be expunged—four States for, five against, and two divided." So, page 119: "The last blank was filled up with one year, and carried—eight ayes, two noes, one divided."

"Mr. Pinckney moved to expunge the clause—agreed to, *nem. con.*" Again: "Mr. Butler moved to expunge the clause of the stipends—lost; seven against, three for, one divided." Again, in page 157: "Mr. Pinckney moved that that part of the clause which disqualifies a person from holding an office in the State be expunged, because the first and best characters in a State may thereby be deprived of a seat in the national council."

"Question put to strike out the words moved for, and carried—eight ayes, three noes."

It will thus be perceived that in the proceedings of the very convention which formed the constitution un

der which we are now governed, the word "expunge" was often used in its figurative sense. It will certainly not be asserted, or even intimated, by any Senator here, that when these motions to expunge prevailed, the words of the original draught of the constitution were actually obliterated or defaced. The meaning is palpable. These provisions were merely rejected; not actually blotted out.

But I shall now produce a precedent precisely in point. It presents itself in the proceedings of the Senate of Massachusetts, and refers to the famous resolution of that body adopted on the 15th day of June, 1813, in relation to the capture of the British vessel Peacock; denouncing the late war, and declaring that it was not becoming in a moral and religious people to express any approbation of military or naval exploits which were not immediately connected with the defence of our seacoast. Some ten years afterwards, a succeeding Senate of Massachusetts adopted the following resolution:

"*Resolved*, That the aforesaid resolve of the fifteenth day of June, A. D. 1813, and the preamble thereof, be, and the same are hereby, expunged from the journals of the Senate."

It is self-evident that, in this case, not the least intention existed of defacing the old manuscript journal. The word "expunge" was used in its figurative signification, just as it is in the case before us, to express the strongest reprobation of the former proceeding. That proceeding was to be expunged solely by force of the subsequent resolution, and not by any actual obliteration. There never was any actual obliteration of the journal.

Judging, then, from the highest English authorities, from the works of celebrated authors and statesmen, and from the proceedings of legislative bodies, is it not evident that the word "expunge" has acquired a distinct meaning, altogether inconsistent with any actual obliteration?

All that we have heard about defacing and destroying the journal are mere phantoms, which have been conjured up to terrify the timid. We intend no such thing. We only mean, most strongly, to express our conviction that the condemnatory resolution ought never to have found a place on the journal. If more authorities were wanted, I might refer to the Legislature of Virginia. The present expunging resolution is in exact conformity with their instructions to their Senators. As a matter of taste, I cannot say that I much admire their plan, though I entertain no doubt that it is perfectly constitutional. That State is highly literary; and I think I have established that their Legislature, when they used the word "expunge," without intending thereby to effect an actual obliteration of the journal, justly appreciated the meaning of the language which they employed.

The word "expunge" is, in my opinion, the only one which we could have used, clearly and forcibly to accomplish our purpose. Even if it had not been sanctioned by practice as a parliamentary word, we ought ourselves to have first established the precedent. It suits the case precisely. If you rescind, reverse, or repeal, a resolution, you thereby admit that it once had some constitutional or legal authority. If you declare it to have been null and void from the beginning, this is but the expression of your own opinion that such was the fact. This word 'expunge" acts upon the resolution itself. It at once goes to its origin, and destroys its legal existence, as if it had never been. It does not merely kill, but it annihilates.

Parliamentary practice has changed the meaning of several other words from their primitive signification, in a similar manner with that of the word "expunge." The original signification of the word "rescind" is "to cut off." Usage has made it mean, in reference to a law or resolution, to abrogate or repeal it. We every day hear motions "to strike out." What is the literal meaning of this expression? The question may be best answered by asking another. If I were to request you to strike out a line from your letter, and you were willing to comply with my request, what would be your conduct? You would run your pen through it immediately. You would literally strike it out. Yet, what use do we make of this phrase every day in our legislative proceedings? If I make a motion to strike out a section from a bill, and it prevails, the Secretary encloses the printed copy of it in black lines, and makes a note on the margin that it has been stricken out. The original he never touches. Why, then, should not the word "expunge," without obliterating the proceeding to which it is directed, signify to destroy, as if it never had existed?

After all that has been said, I think I need scarcely again recur to the Pennsylvania precedent. It is evident, from the whole of that proceeding, that an actual expunging of the journal was intended, if it had not already been executed. I have no recollection whatever of the circumstances, but I am under a perfect conviction, from the face of the journal, that such was the nature of the case. I should vote now as I did then, after a period of more than twenty years. Both my vote, and the motion which I subsequently made upon that occasion, evidently proceeded upon this principle. The question arose in this manner, as it appears from the journal: On the 10th of February, 1816, "The Speaker informed the House that a constitutional question being involved in a decision by him yesterday, on a motion to expunge certain proceedings from the journal, he was desirous of having the opinion of the House on that decision," viz: "that a majority can expunge from the journal proceedings in which the yeas and nays have not been called." Now, as no trace whatever appears upon the journal of the preceding day of the motion to which the Speaker refers, it is highly probable, nay, it is almost certain, that the proceedings had been actually expunged before he asked the advice of the House.

No man feels with more sensibility the necessity which compels him to perform an unkind act towards his brother Senators than myself; but we have now arrived at that point when imperious duty demands that we should either adopt this expunging resolution or abandon it forever. Already much precious time has been employed in its discussion. The moment has arrived when we must act. Senators in the opposition console themselves with the belief that posterity will do them justice, should it be denied to them by the present generation. They place their own names in the one scale, and ours in the other, and flatter themselves with the hope that, before that tribunal at least, their weight will preponderate. For my own part, I am willing to abide the issue. I am willing to be judged for the vote which I shall give to-day, not only by the present, but by future generations, should my obscure name ever be mentioned in after-times. After the passions and prejudices of the present moment shall have subsided, and the impartial historian shall record the proceeding of this day, he will say that the distinguished men who passed the resolution condemning the President were urged on to the act by a desire to occupy the high places in the Government; that an ambition, noble in itself, but not wisely regulated, had obscured their judgment, and impelled them to the adoption of a measure unjust, illegal, and unconstitutional; that, in order to vindicate both the constitution and the President, we were justified in passing this expunging resolution, and thus stamping the former proceeding with our strongest disapprobation.

I rejoice in the belief that this promises to be one of the last highly exciting questions of the present day. During the period of General Jackson's civil administration, what has he not done for the American people! During this period, he has had more difficult and dan-

gerous questions to settle, both at home and abroad—questions which aroused more intensely the passions of men—than any of his predecessors. They are now all happily ended, except the one which we shall this day bring to a close—

> "And all the clouds that lowered upon our house
> In the deep bosom of the ocean buried."

The country now enjoys abundant prosperity at home, whilst it is respected and admired by foreign nations. Although the waves may yet be in some agitation from the effect of the storms through which we have passed, yet I think I can perceive the rainbow of peace extending itself across the firmament of heaven.

Should the next administration pursue the same course of policy with the present; should it dispense equal justice to all portions and all interests of the Union, without sacrificing any; should it be conducted with prudence and with firmness, and I doubt not but that this will be the case, we shall hereafter enjoy comparative peace and quiet in our day. This will be the precious fruit of the energy, the toils, and the wisdom of the pilot who has conducted us in safety through the storms of his tempestuous administration.

I am now prepared for the question. I shall vote for this resolution, but not cheerfully. I regret the necessity which exists for passing it; but I believe that imperious duty demands its adoption. If I know my own heart, I can truly say that I am not actuated by any desire to obtain a miserable, petty, personal triumph, either for myself, or for the President of the United States, over my associates upon this floor.

I am now ready to record my vote, and thus, in the opprobrious language of Senators in the opposition, to become one of the executioners of the condemnatory resolution.

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Appendix to Mr. Buchanan's speech.

OFFICE HOUSE OF REPRESENTATIVES U. S.,
April 6, 1836.

I entered this office a youth, under John Beckley, who was the first Clerk of the House of Representatives under the present constitution of the United States, and who died in the year 1807.

During the recess of Congress, he put me at what was termed "recording the journal" of the preceding session, which was to write it off from the printed copy into a large bound volume. I inquired of him why it was that it was copied, when there were so many printed copies? He answered, that the printed copies would probably, in time, disappear from use, &c., the large manuscript volume would not.

The "rough journal," as it was then termed, and is still termed, being the original rough draught read in the House on the morning after the day of which it narrates the proceedings, was not, and had not from the beginning, been preserved. I inquired the reason, and was answered, that the printed copy was the official copy, as it was printed under the official order of the House; and as errors, which were sometimes discovered in the rough journal, were corrected in the proofs of the printed copy, the printed copy was the most correct; and that, therefore, there was no use in lumbering the office with the "rough journal," after it had been printed.

Two of Mr. Beckley's immediate successors in office, Mr. Magruder and Mr. Dougherty, viewed the matter as Mr. Beckley viewed it. I know the fact from having called their attention to the subject. I often reflected upon the subject, and it appeared to me to be proper that the "rough journal" should be preserved, although I could not see any purpose whatever to be answered by doing so. I often conversed with the clerks of the office upon the subject; but, as we were only subordinates, the practice was not changed till the 1st session of the 18th Congress, (1823-'24,) when I determined, without consulting my superior, that the "rough journal" should no longer be thrown away, but be preserved and bound in volumes; and it has been regularly preserved and bound since.

With great respect, I am, sir, your obedient servant,
S. BURCH.

Colonel WALTER S. FRANKLIN,
Clerk House of Representatives U. S.

When Mr. BUCHANAN had taken his seat,

Mr. BAYARD rose and said that, notwithstanding he had not before had an opportunity of expressing his opinion on the subject now under discussion, yet he should have been unwilling at this late hour to have trespassed on the time and attention of the Senate, had he not felt it to be a duty which he owed to himself and to his immediate constituents to contend and protest against a measure which he believed to be a violation of the constitution. I say, sir, constituents, for, in my theory of this Government, we are all the representatives of the people, though chosen after a different manner. Every infraction of the constitution, however unimportant it may appear in its immediate consequences, tends to diminish the general confidence in the stability of our Government, and the general attachnent to it; and as the people of the State I have the honor in part to represent are devotedly attached to that instrument, and feel that their political existence is incorporated with it, that in it they live, and move, and have their being as a political community, I say, sir, it is a duty which I owe to them to contend to the uttermost of my ability against whatever thus incidentally affects them. It is a duty, too, which I owe to myself, as I have a personal interest in whatever affects the character and honor of this body, of which I am a humble member.

I have no intention, Mr. President, to inquire into the motives which may lead gentlemen to the adoption of this resolution. The motives of every man are his individual property; and as his action here, in relation to this matter, is under the sanction of an oath, they involve a responsibility only to his conscience and his God. I cannot say, sir, that the act which is now required to be done is a sacrifice to the Moloch of party spirit. I cannot say that it is a homage to an idol resembling that which the Chinese pays to his household god when he burns before it a little piece of gilt paper as the humble offering of his piety and adoration. Nor can I say, sir, that it is intended to smooth the mane and calm the roar of the lion. All these views belong to the class of motives with which I have nothing to do. But, sir, I have something to say and something to do with the doctrines advanced and the acts done here, which become part of the common stock. If it seems from the nature of the act done, and from the insufficiency of the reasons given for it, to be an act of homage at the footstool of executive power, I have, then, a personal interest in the matter, which not only justifies my doing so, but makes it a matter of duty to express my opinions as well as to record my vote. And, sir, it becomes the more necessary and proper to express those opinions, since if this principle of expunction be adopted, I have no security that the record of that vote may not be destroyed, if hereafter it should become expedient to give to the resolution the appearance of unanimous approbation.

What is it, sir, we are called upon to do? A man may do wrong unwittingly, and we must take care to have a clear and precise idea of the act to be done. In words, sir, we are called upon to expunge from the journal a certain resolution, but in fact and in truth to falsify a rec-

ord. The same mind which might contemplate the one proposition with indifference, would regard the other with horror. To a mind reckless of consequences, which has no future, which looks only to the present, and views every act as an insulated event, having no relation to what has preceded, and no influence on what is to follow, to expunge from a journal may seem a very harmless act. But, sir, even such a mind might be brought to revolt with disgust from the same measure, when it imported the suppression of the truth, or the assertion of a falsehood. The approaches of crime are stealthy and mysterious; the assassin wears his mask; vice pays to virtue the homage of assuming her form; the knave puts on the cloak of religion; the demagogue becomes the friend of the people. It becomes, then, my purpose to show that to expunge from the journal is to falsify a record.

Let me now draw the attention of the Senate to the terms of the resolution. It professes to set forth the act to be done, and the reasons for doing it. And first, sir, as to the act itself. It is described in these terms:

"*Resolved*, That the said resolve be expunged from the journal, and for that purpose that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript journal of the session of 1833-'4 into the Senate, and in the presence of the Senate draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: Expunged by order of the Senate, this ——— day of ———, in the year of our Lord 1836."

Nothing can be more explicit in its terms. The act to be done is to expunge. The first member of the sentence conveys the whole idea; and if the resolution had stopped there, with the simple assertion that an expunction should take place, there cannot be a doubt that the Secretary would have been authorized to blot out or erase from the journal the objectionable passage. The Senator from Pennsylvania [Mr. BUCHANAN] has gone into a critical examination of the meaning of the term *expunge*, and has given us various instances of its use in a metaphorical sense, and concludes that, because the word may be used metaphorically, it is in this instance a harmless metaphor. In all its uses, whether literal or metaphorical, it imports destruction; and the beauty and force of the metaphor in every instance depends on the precise meaning of its literal acceptation. The term *expunge* means literally to wipe out, which imports destruction; or, in other words, it imports that something which has an existence shall cease to exist. Whether the term is at any time used literally or metaphorically, will depend on the subject-matter to which it is applied. Thus, in some of the instances given by the Senator from Pennsylvania, as in the one "to expunge our sins," no doubt the word is used metaphorically; but does not the whole force and value of the expression depend on its literal meaning, and import that those sins shall cease to have a moral existence as reasons for the Divine vengeance? And when used as applicable to a section of a bill, which is another instance given by the Senator, does it not mean that such section shall cease to have existence?

The Senator asks whether, if a resolution passed that a section of a bill should be expunged, the Secretary would proceed to obliterate it? I answer, that from the method of our proceedings it is not necessary for him to erase every word, because the purpose is effectually answered by drawing his black lines across it, or simply writing upon its face the word "expunged," for in effect it becomes so, by ceasing to have any legal existence; and if such bill were ordered to be engrossed for a third reading, the section thus expunged would be omitted in the engrossment, as if it had never existed. But the authority conferred upon him by such a resolution is literally to erase every word of the section. Such, also, is the case when the word is used in relation to a part of the journal, and becomes his duty to blot out or obliterate from its face the passage ordered to be expunged. But it is said that the present resolution does not contemplate an actual expunction or obliteration of the passage, but merely a typical one. And Senators seek to reconcile themselves to this measure by such a play upon words. A typical expunction! To get rid of the sophistry at once, let me ask whether a journal is not the evidence of a fact, as, for instance, the passage of a particular resolution, and whether to expunge from the journal that resolution is not to destroy the evidence of the fact that such a resolution had been adopted? If, then, you have the right to expunge, and do actually declare that a passage shall be expunged, does it not for all legal purposes suppress the evidence of the fact, no matter what the manner of expunction may be, whether by erasing, by blotting out, or by writing the word "expunged" over its face? Could the Secretary certify, after the adoption of the expunging resolution, that such a passage existed on the journal? If he were called upon to publish a new edition of the journal, would he have a right to insert the passage expunged? It is in vain that the assertion is made that the printed volumes would be evidence of the fact. The printed volumes are only *prima facie* evidence, and admitted for convenience, but could never stand against a sworn copy of the journal. There is, then, for all the purposes for which a journal is kept, namely, as evidence of a particular transaction, no difference between an actual and a typical expunction. That in the present instance no grave and immediate consequence affecting individual rights is to follow, does not alter the case. The principle asserted in the resolution is, that the right to expunge exists, the mode of doing it is of no consequence; and I will show presently that the exercise of such a power is not only unconstitutional, but may be attended with the most important and direct influence on the personal rights of individuals. The natural import and the necessary legal effect of the phrase "expunge from the journal," is to destroy the evidence of the fact expunged, whether it be used literally or metaphorically.

Having thus ascertained the meaning of the word "expunge" and the effect of any mode of expunction, the question arises whether the Senate possesses any such power over its journal. Has it the right to destroy the evidence of a particular transaction, for the journal is not only the highest evidence, but the only evidence of the fact? A journal is a daily record, as contradistinguished from a temporary memorandum. But it is contended that, though a record, it is not a permanent one, being of value only until it is published; after which, it becomes mere waste paper. Is this proposition true? For if it be, then, so far as this particular case is concerned, there is an end of the question. The language of the constitution is, "that each House shall keep a journal of its proceedings, and from time to time publish the same." Resort has been had to the meaning of the word "keep," as importing preservation, to show that the constitution contemplated a permanent, and not a temporary record. But I admit that the word "keep" does not necessarily imply permanent preservation; it may mean preservation for a temporary purpose. The word "keep," like every other word in the language, must depend for its meaning on the manner in which it is used, on the subject-matter to which it is applied. Words are but signs of ideas, and it is one of the imperfections of language, that it often expresses too much or too little, while felicity in its use consists in the choice of those terms which convey either the simple or complex idea with precision. A word, too, may stand for

a whole sentence, for a class of ideas, as in the familiar use of this very one. Thus, to keep a horse may not merely mean that he is fed, and curried, and stabled, but that he is rode; as, where the conversation being about the personal habit of any one in relation to exercise, it should be remarked of him he keeps a horse, the term imports both preservation and use. So in the phrase "keep a cow," the use for which she is kept is implied, as if a housekeeper were asked, "Do you buy your milk?" and should reply, "No, I keep a cow," it imports not only that she is fed and taken care of, but that she is milked, and her milk consumed by the family. So, "keep a carriage" does not merely mean that a carriage is locked up in the house, but that it is used. "Keep house" imports the burden of household duties; as "keep tavern" imports the duty of receiving and attending to guests. There cannot be a doubt that the phrase "keep a journal" means to make and preserve one. But still the question arises as to the length of that preservation; and it is contended that the subsequent injunction to publish indicates at once the purpose and length of preservation. Is this true? The words are "keep and publish," not "keep in order to publish." But waiving all verbal criticism, let me remark that a constitution is merely a collection of principles; and in order to ascertain the force and meaning of any term, it is necessary to attend to the object of the provision, and the principle connected with it. What, then, sir, are the purposes for which a journal is to be kept? I do not pretend to give them all, but some of them, as drawn from the constitution itself; and it will then be seen whether such purposes are of a temporary or permanent character, and, by consequence, whether the journal is intended to be a permanent or temporary record. In the first place, it is intended to record the day on which a bill has been presented to the President for his approbation, and the day on which Congress adjourned; for on these two facts may depend the validity of a law. Thus, in the seventh section of the first article of the constitution, it is provided:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, &c. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case, it shall not be a law."

Here is one permanent purpose, as enduring as the law itself.

In the second place, it is intended to record the fact of membership in this body, the Senate being the judge, and settling the question of membership in cases of contested election, by the express provision of the fifth section of the first article of the constitution. And this was done in the case of the venerable and distinguished Senator from Rhode Island, [Mr. ROBBINS.] Has not he, and has not his State, a permanent interest in that decision, and in the evidence by which it is established? And is not the journal the highest and the only evidence of that fact? Suppose, sir, it should become expedient at any time to expunge such a decision, what would become of the rights of the Senator from Rhode Island, if a competitor were to present himself here for his seat, with fresh credentials from his State?

In the third place, it is intended to record the presence of a quorum at the opening of each session of Congress, as well as to ascertain the fact that Congress did assemble on the constitutional day for its meeting. The journal always opens with a statement of the names of those who assembled, when it is once ascertained that a quorum is present; it is afterwards taken for granted that they perform their duty, and are always present, unless the contrary is made to appear. But if it so happened that no quorum was present, or that Congress had assembled before it had a legal right to do so, the laws passed under such circumstances would be merely void. This, certainly, is a matter of permanent importance.

In the fourth place, it is intended to record the action of this body on the conduct of its members, as in the instance of the punishment of any of them for disorderly behaviour. Suppose the case of the expulsion of a member: will not the right of the State from which he comes to send a successor depend on the fact of expulsion? And could you, by expunging the resolution of expulsion, restore him to his seat? And yet, if you destroy the evidence of the expulsion, is there any thing to invalidate his rights as established by his credentials when he first took his seat? Suppose he was elected for six years, and you expel him at the expiration of the second, and then expunge the resolution of expulsion, how would it be possible to contest his right to a seat for the remaining four years?

In the fifth place, it is intended to ascertain the fact of your organization as a court of impeachment, and the judgment passed on the offender. That judgment may extend to a removal from office, and a disqualification to hold and enjoy any office of honor, trust, or profit, which in its nature is perpetual, and is excepted out of the pardoning power which is given to the President in all other cases.

In the sixth and last place which I mean to advert to, it is intended to record the votes of members on matters of moment, that they may be held to their responsibility for pernicious measures. And hence it is expressly provided, in the fifth section of the first article, "that the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal." Has not every individual a personal and permanent interest in the record, for good or for evil? This last purpose has reference to the great principle on which republican government is founded—the responsibility of the representative to his constituents. From a consideration, then, of the purposes for which a journal is to be kept, it is apparent that it is intended to be a permanent and not a temporary record. None of those purposes would be effectually answered by the mere publication of the journal. They are matters of fact, of which the journal, I mean the manuscript journal, is the highest evidence, and the only evidence where recourse is had to it, for any legal purpose. To expunge this record is to destroy the evidence of a fact; to falsify history, and verify the remark of the satirical Frenchman, that history is nothing but conventional fables. Let me add, in relation to this matter, that the *suppressio veri* differs nothing in point of morality from the *allegatio falsi*, and that it would be as hard to maintain that you have a right to suppress the evidence of a fact which had occurred in your proceedings, as to maintain that you have the right to assert a fact upon your journal which never had any existence. But it has been contended by some, that, because we have the custody of the journal, we have the right to do with it what we please. And does custody import the right of destruction? Will it be contended that the Secretary of State, who has the custody of your laws and treaties, and even of the constitution itself, has, from that circumstance, the right to blot out sections from your laws, articles from your treaties, and paragraphs from your constitution; that he has the right to mutilate and destroy the records of the nation? In considering his right of expunction, the question is not whether the

substance of the resolution proposed to be expunged is true, but whether such a resolution was adopted; that is the point of history. The existence on the journal of the resolution is no evidence of the truth of its allegation, but simply of its adoption; and the future historian, looking to the whole transactions of the time, would decide upon the truth or error of its allegation, without giving to it any greater weight than is due to the mere expression of an opinion. Every Senator who voted for the original resolution has a personal interest in the record.

If it is true that to pass such a resolution was illegal and unconstitutional, and a flagrant wrong done to the President of the United States, then his friends should not desire to have it expunged, but, on the contrary, to preserve it as a monument of reproach to those who participated in the measure. In this view of the subject, it should be preserved as a matter of satisfaction on the part of his friends, and of disgrace and shame on the part of his adversaries. And, on the other hand, if the right existed to pass the resolution, and its allegation was true in point of fact, those who sustained it by their vote have an interest in the evidence of their opinion, while those who thought otherwise have the benefit and satisfaction of being able to establish their dissent. In neither view of the case have the friends of the President any fair reason to desire that the evidence of the proceeding should be destroyed. The Senator from Missouri [Mr. BENTON] may glory in the vote he gave on the occasion; the Senator from Kentucky [Mr. CLAY] may do the same; neither has the right to deprive the other of the evidence of his course in relation to it. Those who voted for the resolution alone hazard any thing in preserving that evidence. If they were wrong, then it is for their shame; if they were right, it is the mere expression of an opinion from which others might rightfully and sincerely differ. If the allegations of the friends of the President are true, that the adoption of that resolution was a breach of the constitution, and a most flagrant wrong to him, would it not be more natural that the Senator from Kentucky [Mr. CLAY] should come here to ask us to expunge it, that he might conceal his participation in the matter? Is it not extraordinary that the Senator from Missouri, who takes great credit to himself for resisting the measure, should seek not only to conceal his own glory in opposing it, but the shame of his adversaries in supporting it? What is the purpose to be answered by expunging the resolution? The fact that such a resolution was adopted cannot now be concealed from the eye of history. The journal is only evidence of that fact, and not of the truth of the allegation contained in it. What valuable end, then, is to be accomplished by the expunction? I fear, sir, that the future historian, looking over the whole ground of the controversy, will say, from the nature of the act, that it was a sacrifice, a peace-offering at the altar of executive power. In this view, we have all an interest in the record of the proceedings of this day, for good or for evil report.

But sir, I come now to consider the reasons which are offered for the adoption of this expunging resolution. They are set forth in the preamble, and I presume they are the best that can be offered. They have been well weighed and considered, and no doubt the ability of the Senator from Missouri has been taxed to the uttermost to present the case in the strongest possible point of view. His reasons are eight in number, and the first of them is in these words:

"And whereas the said resolve was irregularly, illegally, and unconstitutionally adopted by the Senate, in violation of the rights of defence which belong to every citizen, and in subversion of the fundamental principles of law and justice: because President Jackson was thereby adjudged and pronounced to be guilty of an impeachable offence, and a stigma placed upon him as a violator of his oath of office and of the laws and constitution, which he was sworn to preserve, protect, and defend, without going through the forms of an impeachment, and without allowing to him the benefits of a trial or the means of defence."

Is this true in point of fact? The proceeding of which this reason professes to be descriptive was this: On the 28th day of March, 1834, the Senate, in its usual course of business, adopted the following resolution:

"*Resolved*, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Is this first reason, then, a true description of the subject to which it refers? If the Senate had organized itself into a court of impeachment, called in the Chief Justice to preside, as required by the constitution, and then proceeded to try the President without hearing him, and to pronounce judgment upon him of removal from office, more could not have been said; no stronger language would be required to describe so wanton a violation of constitutional law. Is there no difference between the cases? Can a stronger case of the perversion and abuse of language be put than this, which would represent a simple resolution of a deliberative assembly, expressing merely an opinion, which has no legal effect whatever on the rights of the individual, as the judgment of a court which acts directly and immediately upon those rights? The proceeding referred to has neither the form nor substance of a judgment. Nor is the slightest guilt imputed in the opinion as expressed by the resolution. It states a fact, "that the President has assumed upon himself authority and power not conferred by the constitution;" but is silent as to the motives and intention with which that fact was accompanied, the corrupt and wilful character of which alone could give to the proceeding the attribute of guilt. But suppose, for a moment, that the Senate had, losing sight of the principles of law and justice, formed itself into a court of impeachment, and proceeded, without a hearing, to pass judgment on the individual: would that be a reason for expunging the record, for suppressing the evidence of so monstrous a proceeding? On the contrary, sir, it should stand as a monument of disgrace and dishonor to the men who participated in it. Its legal effect would be nothing; its moral influence would recoil on their own heads, and they should be held to that responsibility to public opinion, to secure which it was provided that the yeas and nays should be entered on the journal. In this view of the subject, the hollowness and fallacy of the reason assigned is manifested by the fact that those who seek to suppress the evidence are not those who advocated, but those who opposed the resolution. But, sir, it is the fate of a false position to imbody the principles of its own destruction. If this reason be a true description of the resolution of 28th March, 1834, and sufficient for its expunction, is it not perceived that this very expunging resolution and its preamble is open to the same objection, as pronouncing judgment on those Senators who supported the former, as guilty of an impeachable offence, and violators of their oaths of office, without the benefit of a trial? It should, then, in its turn, be expunged; and if I were called upon to draw up a preamble upon the strength of this precedent, I should use the same language, as being as fair and legitimate a description of the present resolution and its preamble as this reason is descriptive of the resolution of March 28, 1834. It is absolutely suicidal.

The second reason is as follows:

"And whereas the said resolve, in all its shapes and forms, was unfounded and erroneous in point of fact, and,

therefore, unjust and unrighteous, as well as irregular and unconstitutional; because the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve; nor in taking upon himself the removing of the deposites, as specified in the second form of the same resolve; nor in any act which was then or can now be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and constitution, or dangerous to the liberties of the people."

The substance of this reason is, that the resolution was erroneous in point of fact. Is that a reason for expunging it? It might form a very good reason for a counter-resolution. The subject is one on which a difference of opinion might fairly exist, and that difference was expressed at the time, both in debate and on the journal; but surely that difference of opinion is no reason for destroying the evidence that such an opinion was expressed.

The third reason is, that

"The said resolve, as adopted, is uncertain and ambiguous containing nothing but a loose and floating charge for derogating from the laws and constitution, and assuming ungranted power and authority in the late executive proceedings in relation to the public revenue, without specifying," &c.

This reason conflicts with both the others, implying that, if the resolve were detailed and specific, it ought not to be expunged. If all these are reasons for the same act, they should not be antagonist to each other, but should harmoniously tend to the same conclusion. But want of detail can be no reason for suppressing the evidence that such a resolution was adopted.

The fourth reason is merely an amplification of the third.

The fifth reason is as follows:

"And whereas the Senate being the constitutional tribunal for the trial of the President, when charged by the House of Representatives with offences against the laws and constitution, the adoption of the said resolve before any impeachment preferred by the House was a breach of the privileges of the House; a violation of the constitution; a subversion of justice; a prejudication of a question which might legally come before the Senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence."

The same answer may be given to this reason as is given to the first, that it is not a fair and true description of the case. It treats the resolution of 1834 as if it were a judgment of the Senate in its judicial capacity as a court of impeachment, when, in truth, it is nothing more than the expression of an opinion in its character of a deliberative assembly. It is no breach of the privileges of the House of Representatives, since it neither anticipates nor precludes an impeachment. It is no prejudication of any question which might come before the Senate as a court of impeachment, since such question must be one of guilt; and nothing of the kind is imputed in the resolution. But again: if all this were true, it would be no reason for expunging, or, in other words, destroying the evidence of the fact that such a resolution was adopted.

But, sir, we come now to the sixth reason, which is perhaps the true motive, though not a justification for this extraordinary proceeding, and a gleam of light is thrown upon the subject, which gives it color and complexion. The substance of this reason is, that the President's protest was rejected, and not permitted to be entered upon the journal, while memorials and petitions against him were duly and honorably received. Here is another instance of that conflict with other reasons, which was remarked upon in adverting to the third. It implies that, if the protest had been received, then the resolve should not be expunged. But, with that confusion of ideas which seems to characterize the whole preamble, it places the protest of the President on the same footing with petitions from the people. The President demanded that his protest should be spread upon the journal, which he had no right to do. But, supposing for a moment that he had, is the refusal a reason for expunging the resolution to which the protest has reference. The people have an undoubted right to express their opinions and wishes, in the form of petitions and memorials; but the President, as such, has no right to notice the proceedings of any other branch of the Government in the form of a protest. It is no part of the functions or privileges of executive power to review and rebuke the proceedings of the legislative or judicial branches of the Government. The aspect which the whole subject assumes, in contemplating this reason, is that of retaliation. It looks like offering an indignity to this body, by way of compensating the slight of executive power.

The seventh and eighth reasons may be classed together, and resolve themselves into the general allegation that the said resolve was inopportune, of evil example, and dangerous precedent; all of which, being a mere matter of opinion, about which a fair difference might arise, could furnish no reason for expunging the resolve, however it might be urged as a reason for passing a counter-resolution. We have thus, sir, gone through them all, and do not find one which justifies the conclusion that the resolution should be expunged. And if they do not singly support that conclusion, they cannot do it collectively. A thousand bad reasons have no more force than one. We may say, then, of this preamble, what was said of Gratiano's reasoning: "Gratiano speaks an infinite deal of nothing; more than any man in all Venice; his reasons are as two grains of wheat hid in two bushels of chaff; you shall seek all day ere you find them, and when you have them they are not worth the search."

But it is said the Senate had no right to pass such a resolution; that it cannot be justified as the fair exercise of any one of its powers. Still, it may be answered, it is a fact that such a resolution was adopted, and the objection involves a mere difference of opinion, which cannot be a reason for destroying the evidence of the fact. But as to the right itself, I think there can be no doubt of its existence, when the subject is fully understood. The Senate, under the constitution, has various powers—legislative, judicial, and executive. The error lies in attempting to discover and explain the right to pass such a resolution in the exercise of any of these powers.

The object of all these powers is the modification of some social or political right. But the Senate is a deliberative body, and, as such, must have opinions, and express them. It is the inherent right and property of every deliberative assembly to have and express opinions, which only can be done by resolution. A resolution of thanks cannot be traced to any one of these powers; neither can a resolution of condolence; and yet no one ever doubted the right to pass either the one or the other. If it were necessary to resort to the constitution for any express or implied authority, it might be found in the seventh section of the fourth article, which, in its last paragraph, supposes that there are other resolutions than legislative acts, or such as require the concurrence of both Houses. But the very institution of a deliberative assembly, in the nature of things, supposes and involves the existence of opinions and the right of expressing them. The powers of such an assembly, or, in other words, the control which it may exercise over the social or political rights of others, is a very different mat-

ter, and depends on the provisions of the constitution which gives it existence. But is it not somewhat remarkable that those who make the objection do not perceive that this very expunging resolution which they advocate presupposes the right? If the Senate has no right to pass any resolution but such as can be traced to one of those powers, what right has it to pass this expunging resolution? Into such absurdities, sir, will men fall when they seek to sustain, by reasoning, a false position. The right, then, to pass such a resolution I take to be unquestionable, and the exercise of it may be, at times, highly expedient, as a check or caution to the wantonness or heedlessness of executive power, and as a measure short of impeachment. But, sir, what is impeachment? A farce, a nullity! It is, like the case of the electoral colleges, an abortion. There is little danger to be apprehended but from a popular President; and the very fact of his being such, under the party organization of this country, supposes the fact that he is sustained and supported by a majority of the body in whom the impeaching power resides. I might here, sir, conclude what I wished to say in relation to the matter now depending before the Senate, having, as I think, established two propositions, which cover the whole ground: first, that the Senate, as a deliberative assembly, had the right to pass the resolution of March 28, 1834; and, secondly, that, whether true or not in point of fact, we have no right to expunge it, because the journal is, by the constitution, a permanent record. I will further incidentally remark that, if the right of expunction exists, and is to be established by this precedent, then a subsequent Senate may expunge this expunging resolution; and so, in all time to come, these successive expunctions may serve to indicate the triumph or defeat of the respective political parties of the country. But an attempt has been made to sustain this measure by a resort to precedents. Sir, precedents are of no authority when opposed to a clear, ascertained, settled principle. They are resorted to in doubtful cases, and often to avoid the force of principle. It is easier, at all times, to follow precedents than to reason. But, sir, above all things precedents drawn from a period of revolution, such as that referred to by the Senator from Virginia, [Mr. RIVES,] are of no weight in a time of profound tranquillity, when security and leisure give opportunity for reflection. It may be very expedient, in a moment of unsettled government and of violence, to suppress the evidence of a particular proceeding; but one could scarcely rely upon such authority for a warrant to corrupt a constitutional record in moments of security and regular government. And yet such is the character of the Senator's domestic precedent. As to his English precedents, they are of no value on a question like this, which does not depend on general parliamentary practice, but on the express provisions of a written constitution, which has directed the keeping of a journal, and contemplates that journal as a permanent record.

I am warned by the lateness of the hour that it is time to take leave of the subject; but, sir, before I take my seat, I cannot forbear to offer a few remarks on some of the opinions and sentiments expressed by the Senator from Virginia [Mr. RIVES] and others. We have been told by that Senator that the Senate is an aristocratical feature of the Government; that it is the citadel of that aristocratic spirit which seeks to ride on the necks of the people. What purpose, sir, is this sentiment to answer? Is it to break down the Senate? To bring it into contempt and odium with the people? But, first, sir, let us inquire into the fact. Aristocracy in America! Where are its elements, where its means and appliances? Here, sir, where the wheel of fortune is perpetually revolving; where the poor man of to-day becomes the rich man of to-morrow; and no one can tell, whatever his present actual property, that his grandson may not be compelled to earn his bread by the sweat of his brow; where political rights are equal, and the avenues to wealth and honor open to every man, where the laws and customs of the country guard no man's inheritance in a settled course of descent, but break up and distribute in various rivulets that wealth which may have been dammed up in the course of temporary accumulation; I say, sir, here, and under such circumstances, to talk of aristocracy is an insult to the common sense of the community. I see, sir, a practical refutation of this sentiment in the persons of the distinguished men by whom I am surrounded. To what patronage were they indebted for the honorable distinction which they have attained? To what do they owe their elevation and the high consideration in which they are held by the whole country, but to the unaided efforts of their own abilities? Why, sir, you find in the person of your Chief Magistrate another striking proof of its error. A poor boy, for so I believe the story runs, cuffed during the revolutionary war by a British officer for not performing some menial office, wins his way to the highest honors of the republic, and comes to preside over the destinies of a great people; "bids the Romans mark him, and write his speeches in their books." Sir, the term is a mere catchword, or, to use the metaphor of the Senator from South Carolina, "a mere tinkling bell, to bring together a rabble of ideas which overwhelm all reasoning."

One of the strongest objections I have had to the course of the present administration has been, its constant effort to array the different portions of society against each other, and its habit of appealing for support to the worst passions and prejudices of our nature. When I heard the distinguished Senator from Virginia [Mr. RIVES] a few days since, in the debate on the Treasury circular, declare that he did not belong to that class of politicians who divided society horizontally, but rather perpendicularly, into classes who mutually sustained and supported each other, I thought I perceived the dawn of a better state of things, and I felt grateful to him, sir, for the sentiment; but alas! sir, I fear that it was but a temporary impulse of sound feeling, that must subside before the policy of the party.

To test the soundness of this opinion, let us for a moment consider the nature of this Government. It is emphatically a Government, as contradistinguished from a confederacy, limited in its powers, though supreme within its sphere; the legislative powers being vested in a Congress, composed of the Senate and House of Representatives. The people, being the source of all power, elect, either immediately or mediately, their representatives; immediately in the instance of the House of Representatives, mediately in the instance of the Senate. We are all, sir, the representatives of the people, though chosen after a different manner. I claim, sir, to be not the immediate but the general representative of the State of Virginia, as I hold that Senator to be the general representative of Delaware; and I, for one, thank Virginia for having sent so able and distinguished a representative of our common interests. The more permanent character of the representation in this body is a check imposed by the people themselves on their own action. The whole system is one of checks and balances. The two Houses of Congress are mutual checks on each other. The Senate may fairly be presumed to be the more grave and sedate body, from the general fact of possessing less of youth and its attributes; although, sir, to be sure, there are some veterans in the other House, as well as some youthful aspirants in this. The ancient Germans, sir, who carried among the nations whom they conquered their notions of civil polity, were in the habit of arguing every question twice, once at their carousals, probably drunk, and once sober, that there might be in their councils a

due degree of vivacity and deliberation. The same idea may be supposed to be carried out in our institutions, though the requisite attributes may not be insured by the same means. In claiming, sir, for this body the attribute of deliberation, I do not mean to say that we are by contradistinction the sober body.

The constitution which has established this system of government was the peaceable and deliberate work of the people. It was not, sir, the result of accident, or of a struggle for political power between different orders of society. To find fault, then, with the Senate is to impeach the wisdom and intelligence of the people themselves. It is they who, in adopting the federal constitution, have said that the Senate shall be organized as we find it, have prescribed the mode of its election, and given to it the character of greater permanency. But sir, I ask again, what is the meaning of this sentiment? Are we to be prepared for reducing the Government to a unit, as we have been told that the cabinet should be one? Is it intended to blot out the component parts of this system, and reduce the Government to the simple relation of the President and the people? In the message of 1832 the Supreme Court was assailed, and its authority, as the interpreter of the constitution, denied; and now, sir, we are told by the Senator from Missouri [Mr. BENTON] that the President has corrected and repealed the decision of that court in relation to the constitutionality of the Bank of the United States; and that, in his opinion, all that remains to be done is to issue an *audita querella* to ascertain the fact, have it entered on the record, and the judgment reversed. Here is at once a new attribute of power, and a most extraordinary mode of proceeding. On the other hand, we are told by the Senator from Virginia that the Senate is the citadel of that aristocratic spirit which seeks to ride on the necks of the people. If the Senator merely means that this language is descriptive of himself and his friends, be it so. I cannot quarrel with what he may deem just and proper as to them, though I should have been backward myself in so characterizing them; but, sir, I utterly deny its justice and propriety as applicable to myself, or those with whom I have the honor and the happiness to act. In relation to this Government, I and my immediate constituents, and I believe a great majority of the American people, are conservatives. We go for the Government as it is. We wish to preserve the system of Federal and State Governments as it was established by the wisdom of our ancestors. "We ask no change, and, least of all, such changes as they would bring us." In this system we live, and move, and have our being; and as we were the first to adopt the constitution, we shall be the last to abandon it. We have heard much about the policy of the Executive, and have even been advised to look to that source for the initiative of certain measures. To my mind, all this is of a piece with that exaggerated and false conception of executive power and consequence which has characterized the present Chief Magistrate and his advisers. The executive power which represents the common force of society is, in every just theory, and in the nature of things, inferior to the legislative power, which is the representative of the common intelligence and the common will, and that, too, precisely in the degree in which brute force is inferior to reason. It is the business of the President to execute the laws, not to make them. The policy of the Executive! Who charged the President with the care of the general welfare? What business has he with any policy distinct from the policy of the law? The prosperity of a great and civilized people depends on the laws, and not on the will of the Executive. Sir, I regret to hear such opinions expressed. I trust in God they will not prevail in this country; for, to my mind, they are in direct hostility with that tone of manly and independent feeling which should characterize a nation of freemen.

In opening the subject of this expunging resolution, the Senator from Missouri [Mr. BENTON] has seen fit to entertain us with a magnificent eulogy on the merits of the President. This, no doubt, was a very fit introduction to the measure which is proposed, and may perhaps serve to indicate its ultimate aim and purpose. He has been described at one time as teaching the saucy Britons a lesson of humility from behind the cotton bags of New Orleans, and at another rebuking with the thunder of American cannon the savages of the Pacific ocean, "bestriding the narrow world like a Colossus." Not content with this plenitude of military fame, he has been endued with all civic virtues and superhuman sagacity. While listening to this strain of adulation, every sober-minded individual must have involuntarily exclaimed, with Cassius, "Now, in the names of all the gods at once, upon what meat doth this our Cæsar feed, that he is grown so great?" Sir, I am not disposed to deny his real merits, or to withhold my gratitude for his real services. He has, sir, rendered good service to his country, and well has that country repaid him for it. But that service was in a military, not in a civil capacity.

Much has, as usual, been said about the people, and the people's friends, and an impression is attempted to be given that those who support this administration are alone the friends of the people. Who are they that thus arrogantly talk about the people, as if they belonged to some superior order? The people's friends, indeed! The people, sir, stand in need of no friends; they are the sovereigns; it is they who dispense their smiles and their favors; and it would be much more becoming and seemly to speak of the people as being one's friend than of one's self as being the friend of the people. There is, to be sure, one point of view in which the supporters of this administration, I mean those in office, may be considered the friends of the people. It is the same in which the licentiate, in Gil Blas, is termed and considered himself the friend of the poor, and who proved his friendship by consuming their revenues.

The aid of public opinion has been invoked in relation to this measure, and we are told by the Senator from Missouri that the people have rendered their verdict, and he demands judgment and execution. When and how, sir, was the issue made up? The resolution of March, 1834, was adopted after the last presidential election; but this notion of a verdict is gathered from the fact of the continued ascendency of the party and the resolves of some State Legislatures. Can any thing be more preposterous than the assumption that a majority of the people, liking the man, in yielding to him their support, are to be understood as approving of every thing that he says and does, and disapproving of every thing that is said or done against him? As well might it be contended, on the same ground, that because General Jackson smokes a pipe, the verdict of the people has established that it is right and proper to use tobacco, and that the legitimate mode of doing so is by smoking it in an earthen pipe.

But all this, sir, is apart from the main question. We are called upon to expunge a resolution from our journal, to suppress the evidence of a fact, to falsify a record! If the right to do so were a matter of doubt merely, it would be the part of a prudent and conscientious man to pause. Let not, I pray, sir, the excitement of party spirit hurry this body to an act which is a clear infraction of the constitution; be satisfied with a counter-resolution, expressing in as strong terms as you please your approbation of the President's conduct, and your repugnance to the resolution of the 28th of March, 1834, but do not let us inflict another wound upon the great charter of our Union. Rely upon it, sir, that if

the frenzy of party spirit, or any other motive, shall lead you to do this deed, you will find yourselves in the condition of a homicide, who, having exhausted his malice in a deed of violence, recoils with horror and remorse from the victim of his passion.

When Mr. BAYARD had concluded,

Mr. HENDRICKS rose and said that, at this late hour of the day, it would be out of place to attempt an argument or a speech to the Senate; and such was not his purpose, in the few words he had at present to say. It had been his intention, some time ago, to have troubled the Senate with his views somewhat at large on the subject; but he would content himself now with saying a very few words; and this was perhaps necessary, owing to the peculiar position he occupied in relation to the proposition before the Senate. It would be recollected that he had voted against the resolution of 1834, so much complained of, the resolution which it was now proposed to expunge from the journals of the Senate. He did so for many of the reasons contained in the preamble to the resolution now on our tables. In some of the reasons, however, contained in that preamble, he did not concur, and of course could not vote for it. For some of the reasons contained in it he could most cheerfully vote. No member of the Senate more than himself (said Mr. H.) regretted the passage of that resolution. No one could have been more opposed to it. He viewed it as an apple of discord set in motion; a firebrand thrown into the community, calculated to do more harm than any other measure proposed at that eventful session; and he now believed that it had done more harm in exciting party spirit to its present dangerous height than any other measure which could have been proposed. The danger apprehended to the constitution by this act of expunging (said Mr. H.) is a natural consequence of the measure of 1834; as much so as that one act of violence should succeed another. A party in power to-day, and who shall use that power indiscreetly, will be sure to meet with retaliation, as soon as the opposite party shall triumph. Hence violent measures of this kind are as sure to succeed each other, in the mutations of party power, as effect is to follow cause.

Much, however, as he was opposed to the resolution of 1834, he could not vote to expunge it from the journals. That was a question, in his opinion, having nothing to do with the merits or demerits of the original proposition. The question before the Senate was one of power to expunge the journal, no matter what journal it might be. He thought no such power existed in the Senate, nor any where else; and his oath to support the constitution of the United States was imperative, and prohibited him from giving any such vote, whatever may have been his opinion of the resolution proposed to be expunged. It was, in his view of the constitution, as much a duty to keep and preserve the journals of unconstitutional proceedings, if such there be, as of any other. Our constituents have as much right to know our bad acts as our good ones; because it is for these they will call us to account; and it would be strange doctrine, that we could shield ourselves from responsibility by expunging the journals. The argument, then, of the Senator from Pennsylvania, that the resolution of 1834 was unconstitutional, and therefore ought to be expunged, did not in the least relieve his mind. He understood, too, that this was the basis of the votes of other members of the Senate in favor of expunging. Much as he disapproved of the resolution of 1834, he believed that it was constitutional, and that it was such a proposition as the Senate might entertain and adopt. He saw nothing unconstitutional about it. It might, or it might not, be considered an abstract proposition. It had, indeed, remained as a mere declaratory expression of the Senate, but it might have been the basis of legislation. Whether it be true or false is a matter of opinion. Those who voted for it unquestionably believed its affirmations to be true. They believed that the President had, in relation to the revenue, exercised authority and power not conferred by the constitution and laws, but in derogation of both. He, who voted against it, believed that the authority and power exercised by the President was not in derogation of the constitution and laws; and, however much he dissented on the ground of expediency from that which had been done, he never doubted the constitutional and legal power of the President to do what he did.

It had been said (continued Mr. H.) that the resolution of 1834 contains impeachable matter against the President, and that, on this account, it is not entitled to a place on the journals. He did not think, however, that it contained any impeachable matter. It charged no evil or corrupt intention, which was the essential ingredient of impeachable matter. He referred to the case of Peck's trial before the Senate, and stated that the absence of proof of corrupt intention was the basis of his acquittal by the Senate. This had been the reason of his own vote of acquittal; and this, he had good reason to believe, was the basis of votes of acquittal generally.

In voting against expunging, he did not vote to affirm the truth of the resolution of 1834. He had already stated the reverse. He believed that the President had the power, whatever he might think of its exercise, under the circumstances of that case. But his opinion that the resolution proposed to be expunged was and is untrue, had nothing to do with his duty in the present case, and could not, in any degree, influence his vote. The Senate had no power to expunge the journals. He could, without the least difficulty, vote upon the journals of the present session a resolution to rescind that of 1834, or to affirm a contrary proposition. This, while it would clearly assert the opinion of the Senate in relation to the proceedings of 1834, would not obliterate the journals of that day, and would have all the effect of the mode proposed.

Mr. H. here referred to the constitution, which says that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their opinion require secrecy," and said that the obligations of his oath to support the constitution of the United States made, in his conscience and judgment, his duty on the present occasion clear and imperative. The constitution required the journal to be kept. He could not vote to destroy, or expunge, or obliterate it. But it is contended (said Mr. H.) that the black lines proposed to be drawn around the journal of 1834 will not expunge it in reality; that they will take nothing away from it. It will not, however, be contended that writing the words required to be written across the face of it will not deface, and, to a certain extent, obliterate it. But suppose these black lines and this writing upon the journal of 1834 takes nothing away from that journal, it will surely not be denied that a material addition will be made to it. The constitution requires the journal to be published, but how was this to be published? Could it be published as the journal of 1834? No. That had been published three years ago. There were in that publication no black lines; no writing across the face of the record. If you publish it as the journal of 1834, you falsify the former publication. You cannot publish it as the journal of 1837, because it is the journal of 1834. There, and there only, are the black lines and libellous writing to be found. No page of the journal of 1837 contains any thing like it. In what shape, or form, or manner, then, will you obey the injunction of the constitution, in publishing the journal of these proceedings? The truth is, (said Mr. H.,) the more we look at this thing, the more difficulty we must see in

it; the more certainly will it appear to be a proceeding not contemplated by the constitution, but incompatible with it. It makes a case which, in the simple publication of the journals, the constitution will not warrant or defend.

Mr. STRANGE said: I am not unconscious of the disadvantages under which I labor, in addressing the Senate at this late period; but it has been properly remarked, in the course of this debate, that we are engaged in no ephemeral transaction; that this night's work is not to pass away with the occasion; it is not to be consigned at once "to the tomb of the Capulets," with things unworthy of remembrance. All connected with the matter under consideration are doomed to immortality, for good or for evil; and as it is my destiny and my purpose to appropriate a humble leaf from this fadeless wreath, to rescue from oblivion a name which would otherwise be forgotten when the individual who bears it shall cease to breathe, I wish to say a few words in explanation of my course, not with the vain hope of their being as immortal as the act they accompany, but merely for the temporary satisfaction of my personal acquaintances. I am aware that this subject has been treated with singular ability on both sides of this hall, and may, perhaps, be thought exhausted; but as, in some respects, my views differ considerably from any I have heretofore heard advanced, I take the liberty of offering them. It is the more proper I should do so, as, in a motion I shall take occasion to make before I sit down, I might otherwise subject myself to the misapprehension both of friends and foes, (without meaning, however, to use the latter term in its most offensive sense.)

The Senator from South Carolina, who discoursed so eloquently upon this subject the other day, was pleased to say, facetiously, that those who vote for this expunging resolution will be placed on "a bad eminence," damned to a fame like that of Eratostratus, who destroyed by fire one of the seven wonders of the world, the Ephesian temple of Diana; and doubtless the same wild fancy which led him to this conclusion has pictured for himself and his associates a classic reputation like that of the celebrated Roman conspirators, who slew a Cæsar in the Capitol. Happily, however, the latter parallel fails in most important particulars; for the ancients actually wrought the physical death of a usurper, while the moderns have only attempted the moral death of a patriot.

I regret that those who framed the preamble affixed to this resolution have thought proper to make it so long, not on account of its having furnished a subject of wit to the Senator from Kentucky, but because it has already thrown difficulties in the way of some, and is still likely to throw difficulties in the way of myself, and others friendly to the resolution itself. That delicate machine, the human mind, formed by an invisible hand, is exceedingly subtile in its operations, and like the watches which occupied the attention of that great monarch, Charles V, of Germany, after his retirement from the cares of empire, no two will operate precisely alike. Many minds may come to a similar conclusion; but in the processes by which they arrive at it will probably all vary in a greater or less degree. This is found to be the case in the most simple and familiar matters, and still more so in those of complication and rare occurrence. I wish some reference could have been had, in framing this preamble, to the advice of a celebrated statesman, to a judge then recently appointed to one of the British provinces. "Decide," said he, "according to your judgment of what is right, but give no reasons for your decision. Thousands may approve the one, who will not concur with you in the other." Regardless of this prudent counsel, many reasons are offered in this preamble for the ultimate conclusion that it is right to expunge from the journal of the Senate the obnoxious resolution of March, 1834; and among them it is stated that the said resolution was unconstitutional. In this reason I cannot concur, because I do not unite in the opinion that it is founded in fact. I cannot, therefore, conscientiously put it forth in this formal manner, as constituting a portion of the basis of an important action in which I am desirous to unite. An act, according to my understanding, is unconstitutional, which is prohibited, in express terms, by the constitution, or which is done in substantial omission of something commanded by it. Now, I do not find in the constitution any prohibition upon the Senate from uttering an opinion, collectively or individually, upon any subject whatsoever. I agree that the constitution only expressly authorizes them to perform certain legislative, executive and judicial functions, and prescribes the mode, to a certain extent, in which they shall perform them, and that a performance of these acts in any substantial disregard of this prescription would be unconstitutional, while all acts done, not mentioned or distinctly referred to in the constitution, are done without its warrant. But, then, the constitution has not taken away, so far as the matter under consideration is concerned, that right which, in a state of nature, all men derived from the God who made them, to utter their thoughts, as individuals or collectively, however assembled, upon things in general. Restrictions upon this privilege are certainly to be found in the Divine law itself, and in the many maxims of propriety which society has, from time to time, and in various ways, laid down for the government of its members. But I deny that the constitution of the United States has laid down any restriction applicable to the present case, and would in vain ask for its production. I know that, in disputing the soundness of this reason set forth in the preamble, I encounter the opinions of many wise men, for whom I have the profoundest respect. But, while this furnishes me with a strong and only reason for doubting the soundness of my own view, it will not justify me in asserting that as a truth of which I am not convinced; and still less that to which my own faculties altogether refuse their assent. When a man undertakes to assert any thing deliberately, he must do so upon his own conviction, and not upon the mere opinions of others. Those who insist upon the unconstitutionality of the resolution of 1834, treat it as an actual impeachment of the President, without having waited for the accusation constitutionally preferred by the House of Representatives. If I could admit or perceive the fact that the resolution of 1834 was an impeachment of the President, in the technical sense of that word, I should have no difficulty in uniting in the conclusion that it was a palpable violation of the constitution. But impeachment, as used in the constitution, is a technical term, and all that enters into the technical idea embraced in the term must exist to make it applicable. A number of unauthorized persons may pronounce a man guilty of an offence, but no one for that reason would say that he had been tried. If a judge goes into court, and, without the finding of an indictment, or any other formal accusation against a person, directs an entry to be made upon the record that he is guilty of a certain offence, it could not be said that he had been tried. The substantial part of an impeachment or trial is the punishment consequent upon being found guilty; and no matter by what name a proceeding may be called, it does not meet the idea embraced in these expressions, either in laws or constitutions, if conviction upon it does not involve punishment as a regular consequence. In the proceeding referred to in the Senate there was condemnation, but it was not a condemnation which drew after it punishment, or in pursuance of which punishment could have been inflicted. In matters of this sort names are things; and whenever we suffer ourselves to be drawn away from their accepted significations, we cast our-

selves upon a wide ocean of uncertainty, and our minds, like a vessel, however richly freighted, without compass or polar star, can never calculate on ultimately reaching any place of security. To say that the Senate impeached the President in the resolution of 1834 is, in my judgment, a pure assumption; and if the resolution was not an impeachment, no one contends, I believe, that it was a literal violation of the constitution. But it is insisted that, if not a literal violation of the constitution, the resolution of 1834 was a violation of its spirit. I belong, Mr. President, to a class of politicians, and I am proud to say so, who deny that the constitution has any spirit. Like Shylock's bond, we hold that whatever is not found in it cannot be claimed under it; its grants and its prohibitions are such, as that he who reads may perceive them, and no artful constructionist is at liberty to stretch it to his purposes, or to hammer it out, like gold leaf, until it covers the universe. Believing, then, that the Senate was exercising no constitutional function in their vote of censure upon the President; and that in all other matters the constitution leaves to them, unimpaired, all their natural rights of expressing their opinions, in whatever way assembled, and upon any subject, I cannot concur in the reason assigned for expunging the resolution of 1834, that it was an unconstitutional act. But in thus differing with my friends, and making this concession to the opposition, I think I am very far from weakening the cause of the former, and am presenting the latter with a Trojan horse; in admitting that their act was not unconstitutional, I sweep away at a breath the whole superstructure behind which the opposers of expunction have, as they seem to conceive, securely ensconced themselves. But of this by and by.

Although the resolution of 1834 be not unconstitutional, nor in violation of the spirit of the constitution, it may yet invade a spirit and violate an authority even superior to the constitution, and abundant reasons may remain for its expunction; and it is my purpose to show that it ought to be expunged for its impropriety, its dangerous tendency, its injustice, and its falsehood. And here allow me to apologize for the strong language I must occasionally use, during the progress of these remarks, although feeling, as I do, great deference for those whose acts I am condemning, and conscious that I am myself as prone to infirmity as any man. But I must speak plainly, and therefore I say, in the first place, that the resolution of 1834 was, in my judgment, the most flagrant violation of propriety ever perpetrated by a high, honorable, and dignified body. To recur to an illustration already used, suppose a judge arrives at a certain place, where he is to hold a court of criminal jurisdiction, and, among other things, he learns that a particular individual is charged with some capital offence; he hears the *ex parte* statements of rumor, and makes up his opinion that the person is guilty. Not satisfied with this, when he enters the court-house, he calls upon the clerk solemnly to declare upon the record that such a person is, in the opinion of the presiding judge, certainly guilty of such a specific offence. It is true the grand jury have found no bill, the alleged offender has not even been apprehended, no voice has been heard in his defence, and no punishment could follow the prejudication. Yet would it not be an act of the grossest and most flagrant violation of judicial propriety? Would not public execration overwhelm the wretch who had perpetrated it, and hurl him from the station he had degraded?

In the case of the single judge, every one is struck at once with the glaring impropriety of his conduct. And is that impropriety at all diminished because perpetrated by numbers? Are there not, in fact, features in the principal case even more oppressive than in the one by which I have attempted to illustrate it? In the case of the judge, he tries the culprit by a rigid, well-defined law, and can make nothing a subject of punishment which the law has not expressly declared so; and, in the application of facts to the law, is dependent on a jury for the finding of those facts, and can assume nothing which the jury do not expressly find. Mental bias, therefore, or prejudication on his part, it would seem, could not be attended with any great degree of mischief. And yet the common sense, and, I may add, the common principles of mankind, revolt at the slightest indication of such bias or prejudication. But the Senate of the United States are judges both of law and fact; nay, to a great extent, they make the law by which the person charged is to be tried. What volume contains a recital of the acts for which the President of the United States, or any other public officer, is subject to impeachment? There is no such volume. Any misdemeanor in office will warrant impeachment and conviction; and what is such misdemeanor is left to the mere discretion of the Senate, and they promulge the law at the very moment that they pronounce the guilt of its infraction? It is only necessary for the House of Representatives to charge the offence, and the Senate have then the uncontrolled right to decide the two questions, whether the facts exist; and if so, whether they are the subjects of punishment. Surely, a tribunal so constituted ought, of all others, to keep its faculties uninfluenced by rashly expressed opinions. But the worst feature of impropriety yet remains to be considered. It is a general principle, that no man can be a judge in a cause where he has an interest; but some tribunals are so constituted that this wholesome principle cannot always be applied. In such a case, it would seem that a judge so situated would, above all others, feel most powerfully restrained from allowing himself any indulgence in previous expressions of opinions which might prejudice the person charged, or from prematurely evincing the strength of his own bias. And yet the Senate of the United States, the constitutional tribunal for the trial of the President for unconstitutional acts, prejudges him in a matter in which individual Senators have a personal interest. I do not mean to say that their personal interest was enlisted by golden bribes, received in the shape of fees, or otherwise, from the United States Bank; although such things have been said, I, for one, do not believe them. I do not think that such was the interest they felt in the question. No; a nobler passion blinded them to the impropriety of the act they were committing; a passion which has been called the vice of great minds; a passion planted in the human breast for the wisest purposes; but one of the most dangerous and desolating where it gains unhallowed mastery. A great political strife had been waging for years, and talent and wealth, and every other engine of human power, had been employed in its progress. No machine had been so powerful as the United States Bank in conducing to the spread of opinions upon whose success the party to which these Senators belonged believed its own triumph, and the welfare of the nation, to depend. To these opinions Senators had subscribed in the most decided and public manner, and upon them had staked their hopes of renown and worldly distinction. They were opposed by the administration, and a stern, unyielding front presented by it to their advance. For this the President had been strongly denounced, and Senators themselves had not been backward in breathing upon the waves of opposition, and stirring them into rage; and, finally, in the tumult of this excitement, forgetful of the high, honorable and delicate propriety which, as men and individuals, has ever characterized them, and their elevated standing as the constitutional triers of the President, they commanded his guilt to be recorded before any legal accuser had come forward, and indig-

nantly refused to hear his defence. Am I not warranted, under these circumstances, in pronouncing the act one of gross and flagrant impropriety?

But I have said it is an act dangerous in its tendency as a precedent, and for that reason ought to be expunged. The constitution has pointed out the mode in which the different branches of the Government are mutually to check and balance each other, and no where is this informal mode of expressing disapprobation adverted to as one of them. Crimination invariably leads to recrimination. The beginning of strife has been aptly compared in the scriptures to the letting out of waters; the natural result is, that every thing valuable within its reach is carried away in its desolating sweep. "One word," in homely adage, "brings on another;" and whether the strife of tongues begins between two old wives at the fish market, or the President and Senate, anger quickly subdues all the nobler faculties of the mind, and unnatural and cruel warfare is the probable result. A practical illustration of this idea is furnished in the civil wars of England, already alluded to by the Senator from Connecticut. A strife in which all the ties of family and kindred were dissolved, and the nearest and the dearest brought to quench a savage thirst in each other's blood, originated in an undignified war of words between the King and the Parliament. If the principle be established that it is proper for one branch of the Government, assembled as such, (but in a manner so informal as to leave it a matter of contest whether it is an official act or not,) to condemn the acts of another, the most fearful consequences must be apprehended. If the Senate may informally condemn the President, so it may the House of Representatives, and the House of Representatives the Senate. Scenes must then originate which, if carried out far into practice, would degrade the nation in the eyes of strangers, and add much to the uncertainty of the tenure by which domestic quiet is retained. The principle is therefore dangerous in the extreme, and ought to be most promptly discountenanced.

I urge, as a third reason for expunging the resolution of 1834, that it is unjust. It is true the then President of the United States still retains his office, and no removal can take place in consequence of the condemnation therein expressed; yet its obvious and designed tendency must have been to degrade the Chief Magistrate in the eyes of the country. Want of principle, or want of capacity, is the alternative left to him in the estimation of all who believe this accusation to be true. They must either pronounce him a sacrilegious violator of the constitution of his country, or a very incompetent judge of its provisions. "Surely," it would be said by all whose knowledge of affairs did not induce them to look beyond the mere surface of this transaction, "the Senate would not have thus harshly condemned the President for some slight oversight, for some small misapprehension of duty, into which any man might have fallen. No! no! it is some grave matter, in which the constitution has been so grossly violated that none but a rash, headstrong, unprincipled man, who heeded not, or an ignoramus, too dull to perceive, could have been the actor." This is the natural conclusion; and what a dilemma for one to be reduced to in this land, where popular opinion is to a public man the breath of his nostrils! That the Senate, availing itself of its usually just title to public confidence, should denounce a man, uncited and unheard, as a violator of the constitution of his country, whom the popular voice had pronounced most worthy among the millions of American citizens to fill the most dignified and responsible trust, is to my apprehension the grossest insult to the public sense of justice I have ever witnessed. Very few, but the very individual against whom it was directed, who would not have sunk beneath it.

But this objection to the resolution of 1834 depends altogether for support upon another, which I come now to consider, embracing, in fact, the pith of this controversy; and that is, as I have said, its falsehood. And here, again, I must apologize for the harshness of the term used, from the necessity I am under to speak plainly, not meaning for a moment to apply it to the individual veracity of those who voted for that resolution. There may be falsehood in a legal conclusion, however sincere the man who arrives at it; and whenever one comes to the conclusion that certain acts are unconstitutional, all who differ with him must believe his conclusion false, whatever terms they may adopt to express their dissent. About the acts done by the President, in reference to which this resolution was adopted, there is no controversy; but that those acts were unconstitutional is, in my judgment, most falsely asserted by the resolution; the position is so false, so gross a perversion of the constitution, that it ought never to have been taken; such a dangerous misrepresentation of that sacred instrument, that it ought, as far as possible, to be annihilated, and treated as though it had never been. It is so palpably erroneous, that I cannot persuade myself that any man of common sense or common honesty, whose mind was perfectly free from previous bias, could for a moment countenance it. But when, as I believe, under the impulse of excited feelings, and in the blindness of party strife, it has received the sanction of the Senate, I am unwilling it should remain, to shed its deceptive light upon future ages, and mislead others to their ruin. At the time this resolution was adopted I had not the honor of a seat in this body; but I was a lover of my country, and felt a deep solicitude for every thing connected with its interests. I then believed, and do still believe, its Senate a body surpassed by none on earth in dignity, and my eye was turned anxiously upon its movements. Rumor had given out that this resolution was to be brought forward; I was not ignorant of the obscuring effects of passion upon the clearest intellect; and yet I did think the constitutionality of the President's action so obvious that it was impossible to blink it. I confess, when I first heard the removal of the deposites announced, I was startled by the boldness of the measure, but I did not for a moment doubt the constitutionality of the act. I was apprehensive that the President had so far outrun public opinion, it would never overtake him; and his administration, deprived of that essential support, would no longer be useful to the country. This was the extent of my alarm. Contrary to my expectation, however, the Senate has pronounced the act unconstitutional, and it is not sufficient for us to make a mere negation, without reasoning the matter a little. I am well aware, sir, that the idea of the unity of the Executive has not been opposed only, but has been actually turned into ridicule. But the day has gone by when ridicule was the acknowledged test of truth; it has been found to level its shafts with equal success against subjects the lightest and the gravest—against the phantoms of falsehood, and the most solemn realities. Of the unity of the executive branch of the Government of the United States we need look no farther for evidence than the constitution itself, which declares "the executive power shall be vested in a President of the United States of America." He is in fact the only executive officer created by the constitution, all others owing their existence to the legislative power of Congress.

In 1800, but a few years after this constitution was formed, and its original plan and design was fresh in the memory of all, the unity of the Executive is distinctly recognised, in a paper drawn up with great care and deliberation, for the express purpose of staying the waves of federal power. I mean Mr. Madison's celebrated report, in which it is stated, "According to the particular

organization of the constitution, its legislative powers are vested in the Congress; *its executive powers in the President*, and its judicial powers in a supreme and inferior tribunals. The union of any two of these powers," it proceeds, "and still more, of all three, in any one of these departments, must consequently subvert the constitutional organization of them." The other officers provided by law are mere agents, through whom he is to fulfil the great trust confided to him by the constitution; and whenever the duties prescribed for them from time to time are not, according to his judgment, so performed as best to promote the public good, it is not only his right but his duty to change them. His right of removal being thus unquestionable, no charge of unconstitutionality can rest upon him for the mere exercise of a discretion confided to him by the constitution. But it is not denied by the President or his friends, that the removal of the deposites was, in fact, his own act; and for whatever of unconstitutionality or illegality may be in it he is responsible. It is true the charter of the United States Bank declares that bank to be the place of deposite for the public moneys, and that they shall only be removed from thence at the will of the Secretary of the Treasury. Whenever, therefore, that will is expressed, the condition is performed, and the right of the bank to retain the moneys under their charter, viewing it as a contract, expires, and the law of the land regulating the disposal of the public treasure is fulfilled. It is not denied that Mr. Duane, the then Secretary of the Treasury, did not choose so to exercise his will, and refused to order the removal of the deposites; but he was himself *removed*, and another, quite as wise and as honest, appointed in his stead, who, without hesitation, dissolved the spell by which the bank retained the public moneys, and ordered them to be removed. It is contended that this condition was imposed upon the bank in the retention of the public deposites, altogether in reference to their security, and it was a violation of the compact to remove them for any other reason than insecurity. But are those the terms of the condition? Is any reference made in that condition to the motives upon which the Secretary should exercise the power intrusted to him of putting an end to the depository character of the bank? No such reference, no such intimation, is to be found. Had the bank applied to him for his reasons, he might and ought to have treated the application as an impertinent demand. But reasons he was bound to give to Congress, and he did give them. These reasons could not have been asked for in reference to the rights of the bank, for, so far as she is concerned, a naked trust has been exercised, and there is an end of the matter; but simply to enable Congress, as the guardian of the public treasure, to exercise that supervision over what had been done, its management during the recess, which it ought of right to do. A disingenuous clamor has been raised for the purpose of throwing the true questions in this investigation into obscurity, that the act of removal produced a union of the purse and the sword; but did Congress believe that such would be the consequence, when it expressly authorized the Secretary of the Treasury to make the removal whenever, in his judgment, it should be expedient? And the matter has been treated as if the President had with his own hand made the removal of the deposites. If such were the fact, where was the necessity of removing one Secretary, and putting in another? If the President's purpose was, by actual and lawless force, to seize the money in the Treasury, he might as well have passed by one Secretary as another. But the truth is, as is well known to every intelligent and candid man, the money in the Treasury was just as inaccessible to the personal contact of the President after the removal as it was before; all the fiscal machinery provided by law for preserving the personal honesty of all having any thing to do with the public money operated in the same way, and precisely the same process was necessary to place a single dollar in the actual grasp of any person whatsoever. But it has been urged, in reference to the public as well as the bank, that the only ground upon which removal was proper was the security of the public money. To this I reply, as before, nothing of the kind is mentioned in the condition of the clause which forms the only restriction in connexion with this subject upon the general executive power and duty to act in all things for the promotion of the great purposes of the Federal Government. If, then, the President perceived that for any reason the public good required that the public money should no longer remain in the vaults of the United States Bank, it was not only his privilege but his duty to direct the proper officer to remove it. Should he turn out to be mistaken in his notions of expediency, however reprehensible for want of ability in the discharge of his high functions, there could be no pretence for the charge of unconstitutionality. And here, perhaps, I have said all that is necessary for the maintenance of my position, that the resolution of 1834 was false in asserting the act of the President to be unconstitutional. But I assume for the President still higher ground, and insist that his act was not only legal and constitutional, but that it was in the highest degree expedient; that it was a stroke of generalship which causes the laurels of New Orleans to look pale and withered. We have already had occasion to glance slightly at the history of the times connected with the transaction under consideration. At the close of the war of 1812—'15, the nation was deeply involved in debt, and the national coffers were empty; ingenuity and patriotism were taxed to contrive expedients for meeting the difficult exigency; our recent foes abroad, and malecontents at home, were mocking at our distress, and the political party whose firmness and genius, aided by the valor of our army and navy, had brought to a glorious termination a most unequal war, saw bankruptcy and disgrace ready to overwhelm them. Under these circumstances, as the plank in the shipwreck, the expedient of a United States Bank was seized upon, and some, as I am informed, who doubted its constitutionality, and some even who believed it unconstitutional, were driven by the apparent necessity of the case to give the measure their support. The bank was chartered, performed its functions, and the term of its existence was drawing to a close. Application was made for a renewal of its charter, and having made many friends with "the mammon of unrighteousness," a willing ear was lent to its application. Some believed the question of unconstitutionality put to rest by precedent and adjudication, and no longer open as an available cause of opposition. For various reasons, however, its prayer for a continuance of its existence was granted by the Senate and House of Representatives. But the concurrence of another branch of the Government was necessary to the completion of its hopes, and its application there was answered by a veto which waked up, as by a trumpet-call sound, republican doctrines long since supposed to have sunk into a slumber from whence they would never awake. With a force and clearness which astounded the legions of federalism, and infused new vigor into the republican ranks, the unconstitutionality and inexpediency of rechartering the United States Bank was demonstrated. From that hour, every political engine was set to work to prostrate the only man who could withstand the might of this mammoth institution, and all who entertained like opinions. Presses were subsidized—in various ways the talents of the nation were enlisted in its behalf—and by violent and sudden expansions and contractions, now the hopes and now the fears of the populace were appealed to. Here was a new feature of inexpediency for the recharter of the United States Bank, presented to the startled

consideration of every lover of his country. In our land, where the popular voice controls and directs every thing, nothing is so important as that that voice should itself be directed by the hearts of the pure and the free. The power and the willingness of this institution to corrupt was alarmingly demonstrated; and it was seen that, under whatever pretences, it would, if rechartered, get possession of the public mind, and wield it to its own purposes, either for good or for evil. From the commanding elevation held by the President, he surveyed the field of combat—he beheld the nature of the strife going on—he perceived that it was a vital one to his beloved country—he found that the monster's power of mischief lay in the deposites, and he determined to remove them. Like a skilful surgeon, he saw that the bank, like a vast cancer, was striking its fibres in every direction, until it would finally become so incorporated with the system, that it could only be removed at the expense of the patient's life. Anticipating this horrible event, he determined with a bold hand to cut it off, while the bystanders looked on in amazement. Yes, sir, it was a master-stroke, and the bank and its partisans felt that it was mortal to her, that her vitals were wounded beyond recovery. Among the many caricatures to which a spirit I am by no means disposed to commend has given rise in modern times, one illustrative of this idea struck me as being the best. The bank is represented as a huge old woman, extended upon a bed, in the throes of an emetic operation; beside the bed are various vessels, labelled with the names of the several deposite banks, into which are falling the ejected contents of her stomach, consisting of various gold and silver coins. At her head, in a kindly effort to sustain it, is seated the president of that institution, to whom in her agony she exclaims, "Oh! dear Nick, I am very sick." He promptly replies, "It is all the effect of that last prescription of Dr. Jackson." Yes, sir, that last prescription was fatal to the bank, or at least as nearly so as any thing has yet been; and for that cause mainly has he who framed it been so strongly denounced in the resolution of 1834. But it was a measure adopted in strict accordance with all the forms of law and constitution, and not in derogation of either. A measure for which, through all time, the patriot who reviews his country's history, will revere the memory of him who saved by it the perishing constitution; while, with the men of the present generation, he can hardly determine which most challenges his admiration, the wisdom that planned or the firmness that executed it. Having thus, as I think, shown that this resolution was grossly improper, dangerous in its tendency, unjust in its operation, and untrue in its assertion, I come next to consider the motives upon which we are called upon to expunge it. The fancy of gentlemen has represented us as ignobly bending at the footstool of power, and licking the dust beneath the monarch's tread. As smoothing the rough mane of the lion, and endeavoring to quiet his frightful roar. Even the car of Juggernaut has been made to roll through this hall, and our garments have been sprinkled with the blood, and our ears stunned with the cries of the victims crushing beneath its wheels. But these are mere pictures of the fancy, and fancy may paint what she pleases; she does not confine her sketches to the copies of even things that might be, and still less to things that are. Sober reason must perceive that we have nothing to expect from the throne, as it has been called, or from him who fills it; that if the mane of the lion is rough, or his roar is angry, it is not against us that his fury is directed. That reasons enough are found for the expunction of the resolution of 1834, in the opinions we have expressed concerning it. But some of us have a strong and urgent reason to perform this act, in a desire to obey those whom we serve. The voice of the people has commanded it to be done, and that is a voice which public men in our country dare not disregard. Even those who least regard it in practice dare not openly proclaim their contempt. They may speak of it slightingly in the private circle, and in their hearts despise it, and endeavor to explain away its unpleasant requirements; but when forced to encounter its unequivocal declarations, they must tremble and obey; they dare not disregard it. That voice has spoken in general terms throughout the nation; but it has spoken to some of us as it were by name, and through the appropriate medium, and commanded us to act. It has not spoken to me personally, but it has spoken to my predecessor; and, standing in the position I now occupy, I hear the sound still ringing in my years. It is a command which but seconds my own wishes. I came here anticipating the most cheerful compliance; and I yet hope to yield it, if my own friends do not throw obstacles in the way of my obedience. Yet I will not deny that there is some personal reference to the present Chief Magistrate himself in the act we desire to perform. The period is at hand when he who rescued your daughters from the ruffian pollution of a foreign soldiery, and your soil from the foot of the invader, will be deaf to the strains of gratitude, pressed by the earth he once defended. That he whose voice was loudest in the battles of his country shall be hushed into silence; that he who now holds the sceptre of command will have passed away not only from office, but from life itself, and have joined the spirits of men that have been. Is not the fame of her sons dear to a nation? Has she no pleasure in the glory of her best and her bravest? Has she no interest in preventing the mantle of infamy from wrapping the remains of him who should sleep in the robe of honor? In this view of the subject, I had fondly hoped that the gentlemen of the opposition would have united with us in this act of retribution. That in contemplation of this interesting crisis, the party crust which has heretofore encircled their hearts would have given way, and a flood of tenderness spontaneously gushed forth. That with one generous impulse they would have been the first to rush forward, and pluck off the disgraceful sigma their own hands had affixed, in an hour of passionate excitement. But in this we have been disappointed, and are left alone, in behalf of our country, to make this tardy retribution, to wipe out this new argument for the ingratitude of republics.

But we are not even so fortunate as to be simply left alone in the performance of our melancholy task; difficulties are thrown in the way of its execution. You cannot, it is said, expunge any thing from the journals of the Senate. You may rescind, repeal, but you cannot expunge. The constitution requires that you shall keep a journal. A journal of what? I ask. Surely the constitution does not require us to keep a journal of things respecting which it has given us no authority to act. It has commanded us to keep a journal of our legislative, executive, and judicial proceedings, and to publish such parts of it as may not, in our judgment, require secrecy. But it has not commanded us, in matters of mere voluntary action, unauthorized by the constitution, to make a record. A few days ago, on the melancholy annunciation of the decease of one of its members, this body resolved to adopt an appropriate badge of sorrow. Does any body contend that such a resolve must necessarily have been committed to the journal, or, being there, that there is no power to take it off. The consequences to which such a position would lead are of themselves sufficient to show its unsoundness. Let us suppose, what I admit is very improbable, that this body, in some very inauspicious moment, were to consist exclusively of atheists, and should record, as a resolution, upon its journal, "There is no God;" when sense and reason re-

sumed their empire here, can it be pretended that the blasphemous resolution could not by vote be expunged? but that it must remain forever, disgraceful to man, and offensive to the Being whose existence was denied? Suppose it should turn out that the lamented gentleman, in commemoration of whose virtues you resolved to mourn, (a thing that I suppose merely for illustration, knowing that it is altogether impossible in that instance,) should, by some posthumous discovery, prove to have been altogether unworthy of your regrets, but, on the contrary, the perpetrator, while alive, of every act disgraceful to his species; must your vote of approbation still remain? Have you no power to efface it? And in the case under consideration, suppose the whole Senate, to a man, as well convinced as I am of the patriotism, wisdom, and benevolence, of the present Chief Magistrate, and the resolution of 1834 had added to the general charge of unconstitutionality, epithets of opprobrium, implying that he was a thief and a perjured knave; would it not be a very insufficient atonement to say to him, we are fully convinced that the charges we have made against you are unjust, and calculated to have a very prejudicial effect upon your character, but what we have written we have written, and we cannot blot it out? The truth is, these are all voluntary expressions of opinion, not commanded or authorized by the constitution; and as they were placed there by the unenforced and unauthorized will of a majority of the body, the will of the majority of this body may remove them; and thus does the concession made at the beginning of my remarks, if founded in truth, destroy all connexion between the constitution and the resolution of 1834. It was an act done without the authority of the constitution, and consequently is entitled to no protection from it.

But gentlemen say that we ought to be contented with repealing or rescinding the obnoxious resolution, and not insist upon the word "expunge." In reply, we say that no other will answer our purpose. If an injurious law is passed, every useful purpose is answered by repealing it. If the Senate, in its executive character, gives bad counsel, a simple correction of its error in general will repair the injury; if in its judicial character it should give an improvident judgment, the most effectual remedy is its reversal. But if it assumes the expression of abstract opinions upon matters in which it is exercising no official action, and those opinions injuriously affect individuals, or are likely to propagate a false state of public sentiment, the only effectual remedy is expunction. Recision or repeal implies little more than mere doubt of the propriety of what has been before done, but expunction implies that it was clearly wrong, and ought never to have been executed. This is precisely what we want on the present occasion; the very strongest expression of our sense of the impropriety of what has been done, and a putting it as far as possible out of existence; nay, as much as may be, placing it as though it had never been. Even if the resolution of 1834 was more immediately than it is under the constitutional protection claimed for it, I should insist that the word "expunge," even unexplained by that portion of the proposed resolution which declares how the expunction is to be effected, was the appropriate expression for our purpose. It has acquired in parliamentary usage a figurative signification, and conveys to the mind a specific idea which no other word will, and is not taken in its original literal meaning.

Indeed, almost every word we use in common parlance has lost its original literal signification, and is understood in a sense altogether figurative. The expression "blot out," being very nearly synonymous with "expunge," is used in the sacred scriptures themselves, in a passage where no man in his senses would, for a moment, think of taking it literally. Speaking to the Israelites, the Almighty is represented as saying, "I will blot out as a thick cloud your transgressions." Now, no one supposes that a literal blotting out or annihilation of the sins of the people was here intended, but only that they would be so completely excluded from the notice of that merciful Being, as to become as though they had never been. The same figurative use of the word "expunge" is intended by the resolution proposed, and we are not left to guess at this intention, for it goes on to explain how the expunction is to be performed, and so describes it as to show that it will still leave the original resolution unmutilated and legible. But I do not surrender the ground heretofore taken by others, that no act, however solemn, would be protected by the constitution from actual expunction, if sufficient reason should arise for subjecting it to that process, under any peculiar force of the words "keep" and "publish." I am not ignorant of the wit expended in attempts to ridicule attaching to the word "keep" any other significations than such as suited the purposes of those who, having passed the resolution, are desirous to preserve it. I know full well that the most ridiculous results may be produced by applying a word varying in its significations, according to the subject-matter, to one subject-matter instead of another; and, perhaps, there is no word in the English language whose significations are so numerous, and vary so considerably, according to the subjects to which it is applied, as the word "keep." A reference, then, to the subject-matter will lead us at once, I conceive, to the true signification of the word "keep," as fixed in that clause of the constitution. It is evidently used in reference to a subject-matter in its nature similar to a diary made by an individual, to books in which merchants make entries of transactions in trade, to memoranda made at an auction of the articles sold, their prices, and purchasers. How, then, is the word "keep" understood, as applied to these subjects. If it is said a gentleman keeps a diary, nothing more is intended than that he makes memoranda of what transpires, to be disposed of according to pleasure, without any reference to the term of their preservation. If a clerk is employed to keep books, his task is to make the entries, and he has kept the books, although he may be dismissed as soon as the entries are made. If one is employed to keep the account of sales at an auction, he has done all implied in the term, if he makes the necessary memoranda. And the officer who makes the entries in the journal of the Senate keeps that journal, although he may never see it, except when engaged in making the entries. But if preservation be conceded as the signification of "keeping," as used in the constitution, we answer, the journals will still be kept in the thousands of printed volumes every where extant, although this particular volume should be committed to the flames, or destroyed in the ingenious manner suggested by the Senator from Alabama. And, at any rate, that preservation, coupled as it is with publication, must be taken as limited to the purpose of publication, which having been fulfilled, the object for which preservation is enjoined has been reached, and the force of the command expended. Believing, then, as I do, that the act of the Senate, in adopting the resolution of 1834, was not unconstitutional, I see no difficulty in the way of its expunction, and only ask that the following amendments to the preamble may be adopted, to enable me heartily to vote for both it and the resolution which follows it.

Mr. STRANGE then moved to amend the preamble to the resolution, by striking out of the last paragraph of the first page the words "irregularly, illegally, and unconstitutionally," and inserting in lieu thereof, "was not warranted by the constitution, and was irregular and illegally." In the second page, strike out the word "unconstitutional," and insert the words "unauthorized by the constitution." And in the third page, strike out

"violation of the constitution," and insert "not warranted by the constitution."

Mr. BENTON observed that he saw some difference between the words proposed to be inserted and those already in the preamble; however, he was not, he said, at all tenacious on the subject; and he expressed his willingness to accept the amendments.

Mr. EWING then rose and addressed the Senate as follows:

Mr. President: Since the first presentation of this resolution, it has always been my purpose to say something upon it, before it should be brought to a final decision; but I was aware, from indications not to be mistaken, both at the time it was first presented, and at each subsequent session when it was brought forward, that the mover did not design to bring it then to the issue. Indeed, I well knew that it was deemed necessary, as a pending measure, to agitate and excite the country. Every movement with reference to it showed that such was its purpose; and hence, after several months' discussion last year, when there was a clear administration majority in the Senate, and when the long session gave ample time for deliberation and decision, it was permitted to expire on the table, though a vote upon it was challenged by its opponents. But now, now at this moment, its power being expended—every thing being effected by it which can be expected or hoped from it—now it must come, and at once, to a final vote. And gentlemen upon this side of the House, who have been called upon to discuss it—who, because they would not, heretofore, when they saw that it was but a farce, discuss it—are denied a single day—nay, they are not allowed one hour, of which it is in the power of a fixed and determined majority to deprive them. No courtesy to individuals, which has been usual with this body, or, rather, a part of its very constitution and nature, can procure the slightest relaxation of the iron rule which seems to be laid down for us; the small favor of a day to deliberate or a night to rest is denied; if we ask for an adjournment, even at this late hour, when all occupation should be suspended, and all labor cease, we hear the cry of "No, no," and "the yeas and nays, the yeas and nays," coming from a quarter which, however it may be respected, is never disobeyed. Gentlemen have their reasons, doubtless. I leave them to weigh the importance of those reasons, and to estimate the propriety of their course. And, subject to all the disadvantages under which I labor—the extreme lateness of the hour, great bodily fatigue, and a want of time to arrange my thoughts and cast them into form, and give them coherence, I proceed, rather than sit by in silence—I proceed to the discussion of this deeply exciting question.

I will not enter again fully into a consideration of the reasons that sustain the resolution of the Senate of the 28th day of March, 1834, which it is now proposed to expunge from the journals of the Senate. At the time when those resolutions were under discussion, I gave reasons, so far as my action was concerned, fully, and in detail. I have re-examined those reasons since, when any excitement to which the occasion may be supposed to have given rise had subsided, and I find nothing to retract, nothing to alter; time has made no change in my convictions, unless it be to strengthen and confirm them. It would, therefore, be unnecessary for me to touch again that branch of the subject, were it not that the arguments upon the other side have, year after year, been reiterated and re-enforced; the subject which had been thus considered, discussed, decided, and laid aside, is thus revived from time to time, and the arguments upon the one side, with a perseverance worthy of a better cause, are again and again shown up before the public, while those which sustained that resolution, having once been triumphant, are since permitted to sleep. I feel the impolicy of our course in this, for hence impressions have taken root, and opinions have grown up in society, which constant vigilance and constant effort, and constantly uniting at all times, and pressing the contest, would have kept down; but it was a natural course; it arose from the repugnance which we all feel to turn to a subject on which the mind has exerted its powers, and retrace the path which we have already trodden, after it is divested of the charm of novelty and the freshness of original thought. But let gentlemen be assured, once for all, and let the country be assured, that we abandon no ground which we have assumed and heretofore sustained. Yet, though I will not go fully into the subject now, I will attempt a brief analysis of the arguments which, on a former occasion, I presented at large to the Senate.

It is perhaps necessary, in the first place, to say something of the character of the resolution of 1834, and to define as nearly as possible what we understood it to import. Gentlemen say that, in its terms, it conveyed censure of the act of the President, and pains are taken to show that its words imported censure. Now, sir, this argument was wholly unnecessary; this declaration useless; a simple inquiry would have settled the fact; for, so far as I was concerned in this matter, and in this I believe I differed but little from those with whom I acted, I intended no praise—no laudation of the President or his executive act; that was not my object in voting for the resolution. I thought the President, in that act, had broken the laws and violated the constitution of our country; and I intended to say so: I meant to speak the language of an American Senator, and a free American citizen; and the same language which I uttered then I now reiterate, and would on a like occasion again imbody it in the form of a resolution. It has also been said that this resolution attributes evil motives to the President, in the performance of this act; and that the act charged, as against the constitution, joined with the motive imputed, forms the subject of impeachment. This is wholly unfounded in fact. The resolution attributes no motive whatever. It speaks in the decorous, and, at the same time, dignified language in which one of the legislative branches of our Government may properly speak of the Executive, or of the co-ordinate branch. We believed that the legislative rights and powers of the Senate had been encroached upon by the President; and that we, who exercised those powers for the time being, as trustees of the people, were called upon to defend, or at least to assert them. This body could speak in that matter only by resolution; and by that means, and in that way, we did assert its rights under the constitution, and we declared that those rights had been violated; but we charged no motive. Gentlemen insist that there is impeachable matter charged in the face of this resolution; and, when we deny it, because no motive is charged, they turn, and say we have abandoned our ground; that we soften down and palliate, to avoid the effect of our own act. This, also, is putting a false face upon the whole matter. I, for one, personally, never said and never believed that the President was actuated in this matter by those high motives of public interest which ought to govern the Executive of a great nation. I never thought so; I never said so; and I have not wavered in my opinion; but that opinion, which was my own, was never incorporated into the resolution, neither in language nor in substance. Then, let the resolution stand for itself, and speak its own language; and let the opinions of each of those who supported it be their own, be they strong or weak, firm or wavering; but let those private and individual opinions be kept distinct from the resolution, and let us be met in the argument fairly, not misrepresented.

I presume it will be admitted that it is in the power o

Congress and the President, conjointly, by a law, to place the public treasure in such a situation that it will not be in the direct and immediate possession and control of the President. Perhaps I ask too much, by way of concession, considering the temper and character of the present times; but the time has been, and, I trust, will be again, when it would strike any American statesman as a self-evident proposition. The constitution declares that no money shall be drawn from the public Treasury except upon appropriations made by law; and if the Executive be a unit, as has been sometimes contended; and if the keeping of the treasure be necessarily an executive office; and if the drawing of money from the Treasury be also an executive office, the keeping of the treasure and the drawing from the Treasury be both done by the same hand, then have the framers of our constitution failed, miserably failed, in their attempt to adjust its checks and balances—in their attempt to place the sword and the purse of the nation in separate and distinct hands. To say that money shall not be drawn from the Treasury except by appropriations made by law, and yet place the whole treasure of the nation in the hands of the Executive, who is (according to the political creed of gentlemen) the disbursing officer, also would be an excess of weakness almost approaching to idiocy.

If, then, it were in the power of Congress to place the public treasure out of the immediate control of the President, it was done in the law chartering the late Bank of the United States. The public moneys were placed in deposite in that bank by law; the bank, therefore, became the Treasury; for that is the Treasury where the public treasure is deposited and kept. The constitution declares that money shall not be drawn from this Treasury except by appropriations made pursuant to law, and the law provides that the deposites (or, in other words, the treasure) shall remain in that bank, unless removed by the Secretary of the Treasury, (not by the President,) and for reasons which he (the Secretary) shall make known to Congress. So stand, or rather so stood, the constitution and the law—as the safeguards of the public treasure. Could the President touch, could he possess himself of that treasure, without an infraction of the law and a violation of the constitution? Could he, by a straight-forward, direct act, in his own name, and by his own power, unaided by any instrument which he might fashion for himself, or which the constitution had placed in his hands for other purposes? If he could not, is the act the less illegal or unconstitutional when done by indirection? All admit that a direct order from the President would not have touched public funds, and that the immediate keepers of those funds would not have been bound to obey, or even have been justified in obeying, such order. But the law placed in the hands of the President an instrument with which it could be done, and with which it was done; and I shall now show that it was done by putting a lawful instrument to an unlawful use.

The constitution places the collection of the revenues of the United States in Congress; and the spirit of that provision, coupled with the other provision which requires a law of Congress to draw money from the Treasury, clearly fixes the custody of those revenues, when collected, in the same hands; and the several laws passed shortly after the adoption of the constitution, separating our Government into Departments, and appointing their heads, recognise and keep up this principle. In those acts the Department of State is called an "executive Department." So with the Department of War; and both communinate directly with the President, and not with Congress; while the Treasury Department is not styled executive, and is made to communicate directly with Congress. Thus is explained the intent of the framers of the constitution, and the understanding which a contemporaneous Congress had of its provisions.

But gentlemen here seize upon general terms used in that instrument, and would make them overturn its most particular and express provisions. The Senator from North Carolina [Mr. STRANGE] says that, by the express language of the constitution, "all executive power is vested in the President." The Senator has interpolated a word, and an important one. The constitution does not say "all;" its letter does not, its spirit does not. The language of the constitution is, "the executive power," &c.; but gentlemen, assuming that all executive power is granted, then exercise their ingenuity to find how many of the powers of our Government may be called executive; and all that can be included within that sweeping and undefinable term they attribute to the President. But the constitution does not say "all;" and if it did, the term, as it is elsewhere limited, would not justify their conclusions. Another clause in the constitution does grant "all the legislative powers" to Congress; and yet the same instrument, in another of its articles, confers a large and important portion of those powers upon the President. The judicial power is vested in a Supreme Court of the United States, and such inferior courts as Congress shall from time to time appoint; and yet the same instrument vests in the Senate of the United States an important portion of those judicial powers—the trial of impeachments. It vests in the President "the executive power," and in another article gives to the Senate of the United States a most important share in that executive power. Gentlemen who contend that all power executive in its nature must follow this general grant, and who go for the exact separation, by distinct lines, of the three great powers--legislative, executive, and judicial--and their investment in three separate, uncontrolled, irresponsible, branches, seem to me, with all deference, to understand little of the nature of government. If those powers were exactly separated, so that each stood entirely unchecked and alone, the executive power, being the stronger--indeed, the only power capable of action--having drawn to itself, and, according to gentlemen, being entitled to, the custody of the treasure of the nation, would be independent of all others, and above them all, and all must be absorbed and swallowed up in its vortex.

I have said that the executive act which the resolution of March, 1834, condemns, was, in the language of that resolution, in derogation of both the constitution and law. This I shall attempt to establish.

It was against law. The act of Congress incorporating the Bank of the United States was a law containing in itself a contract as soon as accepted by the bank, and it was a contract for a good and valuable consideration; this contract was violated in its spirit and intent, (and the gentleman from North Carolina [Mr. STRANGE] will not, I presume, deny that this contract had a spirit as well as letter, if the constitution have none.) It was violated in its spirit, and so violated that, as between individuals in a parallel case, an action of law could have been sustained, and damages recovered. This contract was, that the public money should be deposited in the bank, and should be continued there in deposite, until removed by the Secretary of the Treasury, for reasons which he was required to lay before Congress. For this, among other things, the bank agreed to transmit the public funds, wheresoever wanted, free of charge; and it paid, in cash, a large bonus to the Government. Under this contract, it seems to me perfectly obvious, and even self-evident, that the public deposites could not be removed, unless there were some just financial cause for removal. It could not be done to try experiments, nor to test its effect upon the public mind, but for some fiscal reason, of which the Secretary of the Treasury had official cogni-

zance, and which he, as the fiscal agent, could make known to Congress. The removal, too, must, in order to conform to this law, be an act of the Secretary of the Treasury himself—his own official act—his own reason approving, and his own will moving him to its execution. It must have been, likewise, a Secretary, the regular officer of the Government appointed to perform the general duties of that office, and to whose duties this was but incidental and additional; not an officer appointed for the sole and only purpose of doing this act, and pledged or committed to the act before his appointment. If this were not the case, the reference to the Secretary of the Treasury, and the requirement of his reasons, were but a mockery, a criminal evasion of right and justice, which would stamp fraud upon any private contract. I have thus shown what ought to have been done according to a fair and just construction of this law and contract; I will now show what was in fact done.

Just after the adjournment of Congress, and but a few weeks after an inquiry in the House of Representatives, and a decision that the public deposites were safe in the Bank of the United States, the President set on foot negotiations with the State banks, with a view to the removal of the deposites; this without the consent or concurrence of the then Secretary of the Treasury to the removal, but with his known and avowed opinion against the propriety as well as the legality of the act. I speak now of Secretary McLane, who was consulted by the President, and required to do the deed. He would not lend himself to be the instrument for any such purpose; he refused, and was removed from that office, to a higher, it is true, but removed so that he went out of the way, and could not prevent the measure. He was of opinion that the deposites could not legally be removed without a reason, and that the reasons alleged as existing were unfounded or insufficient. Now, I contend that, according to any fair construction of the law, the bank had a right to the judgment of Mr. McLane, then Secretary of the Treasury, on that subject, and was entitled to all the benefit of his judgment and his volition; and it was a breach, or, worse, a dishonest evasion of that contract, to put that Secretary out of the way, his opinion having been taken, and because his opinion was taken, and put another in his place in order to try the experiment upon and by that other, especially as the then Secretary was not even accused of the slightest impropriety in his judgment or in his acts. His promotion to a superior office shows that he had not lost the confidence of the Executive. Mr. McLane was removed, and Mr. Duane appointed specially to perform the act. He was approached on the subject, immediately after his appointment, in a manner which touched his spirit and wounded his pride, and by an individual from whose communion he shrunk with disgust. He was pressed by the President himself, but at last refused, because the reasons for the act were insufficient, and he was removed; and so far as executive disappointment and party slander could do it, he was disgraced. The President then called in a third Secretaay, who had pronounced an opinion before his appointment; and by the President, through him, the act was done. Now, I say that, if in a parallel case between individuals this course had been pursued by one party towards the other, any court or jury would decide, any honest community would declare, that the contract was violated—shamefully violated.

The Senator from Pennsylvania, [Mr. BUCHANAN,] in his zeal to vindicate the acts of the President, and testify his gratitude to him, has done injustice to some of his own constituents—to men, in all the relations of life, social and official, as correct and honorable as himself. The gentleman said that the directors of the Bank of the United States, for political effect, for the purpose of operating upon the elections, and compelling a recharter of the bank, first threw out a large amount of bank paper, and created a delusive prosperity; then suddenly contracted their issues, in order to distress the community, and make them cry out for a recharter. This, sir, is not true in the connexion and the manner in which it is stated; it is not true in fact, to say nothing about motive. The bank did not contract its issues until it had received notice—unofficial, it is true, but not until it had received notice—that the deposites would be withdrawn, and that the executive power and influence would be directed against the institution, to discredit and destroy it. The documents laid upon our table during that agitating session conclusively show this fact. The public prints of the day, on the side of the administration, show it. The speeches of Senators in this body at that time show it. By all these the bank was declared to be insolvent, and unworthy of credit. The public deposites were said to be unsafe in its vaults, in consequence of that insolvency; and the agent appointed by the President to settle the preliminaries of a contract with some of the State banks declares that he will bring the Bank of the United States, as a reptile, to the feet of the Executive. Then, with all this executive power and executive influence directed against it; with this large amount of public deposites to be suddenly and capriciously withdrawn, while at the same time the party press resounded through the Union the approaching prostration and destruction of the bank; while the institution was assailed on all sides, and unadvised of the point at which the next attack was to be made; I ask you, sir, and I ask every candid man, whether the men who managed the affairs of that institution, whose public and whose private characters also were in a high degree involved in making good its defence, I ask whether they can be censured, with any show or color of justice, for using all the lawful means which were placed in their hands to sustain and support the credit of the institution.

Sir, not only their duty to themselves, but their duty to the public at large, required it. If that bank had fallen beneath the weight of the executive arm, it would have dragged down with it most of the banks in the Union, and it would have caused much individual distress, bankruptcy, and ruin. Hence every principle of self-preservation, every motive of patriotism and of duty, united to impel those men to use every means so to guard and fortify and defend their institution as that it would stand the shock. And they did guard it and defend it so that it withstood a power before which the Bank of England would have fallen, even in its most palmy days. Perhaps they fortified their fortress more strongly than actual necessity required; perhaps they overrated the strength of the enemy, and were not fully conscious of their own; perhaps they remained in their intrenchments after the siege was raised, or the power of the assailants had become exhausted; but if they erred, it was on the side not of danger but of duty, and their success has conferred a lasting benefit on the country. This much I have thought proper to say in behalf of those gentlemen with whom I have some acquaintance, but no connexion of any kind; and I say it as an act of common justice towards them, who have been attacked, and whose acts have been misrepresented on this floor.

The Senator from North Carolina, [Mr. STRANGE,] in the abundance of his charity, declares that he does not accuse Senators of taking bribes of the Bank of the United States. He acquits them of the foul charge, as he really believes they were not bribed. The Senate are much indebted to the honorable member for his decree of acquittal, especially as they never constituted him their judge. But what right has he, or what right has any man who is not himself shameless, in the presence of this body or elsewhere, to entertain the infamous proposition for a moment; to speak of it in terms of either de-

nial or belief; to refer to it at all, except to consign the base slanderers who invented and who uttered it, to the depth of infamy which their atrocious falsehoods have merited? But there are bounds to the liberality of the Senator from North Carolina. He thinks, if I have comprehended him, that gentlemen here who were counsel for the Bank of the United States may have been warped in their feelings and judgment from that cause, to form opinions which no unbiased and intelligent man could form, and to do acts which no honest man having an intellect much above idiocy could do. The Senator has not told us where, or how, or among whom, he has formed his opinion of the bar, especially of those who are admitted to be among its best and most honorable and most enlightened members.

[Mr. STRANGE explained: did not say that gentlemen who were counsel for the bank were biased from that cause, but that they were warped by political excitement.]

I am happy (said Mr. E.) to receive the explanation of the Senator from North Carolina, and yet I am at a loss to comprehend how he used the fact of the employment of some gentlemen as legal counsel for the bank, and the statement of that fact following, with a "but," the general acquittal of direct and naked bribery. But however these engagements may have been supposed by him or others to operate on the minds of gentlemen with whom they were made, they certainly never affected mine, as I never was in any case the counsel of that institution. Still I know not but the same influence may be brought equally home to me, for I in several cases profited by the litigation of the bank, by engagements on the opposite side, which engagements I should never have had, if there had been no bank to bring suits against those who employed me to defend them. So that, on the whole, I believe I must even share with my friends here, whom I have sometimes met in the hall below, where justice is still administered, and where truth and reason and law are not yet outraged or spurned. I must even content myself to share with them in the imputation of that bias which counsellors at law are supposed to feel in behalf of those through whose means they obtain a cause in a court of justice.

But I do not admit that the Senator's charge, as explained, approaches nearer to the truth than that which I had mistaken for it, and which he has just corrected. I, for one, was not moved in this matter by political interest or political excitement. It was a subject for cool deliberation and sober judgment, and I brought the powers of my mind calmly and patiently to act upon it; and when full conviction followed investigation, and my opinion was fixed, I acted in obedience to the dictates of that judgment, not under excitement—unless, indeed, a strong feeling of attachment to those abstractions called law and right, which at some times, and in some minds, warms, and kindles, and glows to enthusiasm, is to be called by that name.

I have said, and have attempted to show, that the act of the President, in the removal of the deposites, was illegal. The Senator from North Carolina cannot conceive it possible that any man can hold such an opinion; but he tells us that he was himself startled at the boldness of the act: he feared the people would not sustain it. And permit me, with all deference, to say to that gentleman, that if the people had not sustained it, he would then have been startled at its illegality. I thought it illegal; so thought twenty-eight out of forty-eight Senators in this body; so thought McLane, Secretary of the Treasury: so thought Duane, who was made Secretary for the mere purpose of doing the act. And when they thought so, their political feelings and their personal predilections were all on the side of those doing the act which their judgments condemned. This same act, sir, which startled the Senator from North Carolina in his private retreat, startled also the nation; and the sensation did not subside until they and he had become used and reconciled to new and extravagant acts of executive power. There are other gentlemen now on this floor who condemned this act in the strongest terms, until they knew that the popular voice would sustain it. The Senator from Virginia near me, [Mr. RIVES,] at the close of the last session, in a speech which, I am sorry to say, has never found its way into the public papers, declared that in this act he thought the Executive had gone to the very verge of the constitution, but that he had not overstepped it. I differed from the Senator from Virginia in this only: I thought he had not only gone to the verge of the constitutional boundary, but that he had broken over it. That gentleman and myself were separated in opinion by a mere mathematical line—length, without breadth or thickness—for he thought, and so said on the occasion I have referred to, that the custody of the public treasure belonged, by the constitution, to the representatives of the States and of the people; and that almost any sacrifice ought to be made, in order to restore it to their hands. But the Senator from North Carolina—whose opinion, since he has recovered from the first surprise that the executive act occasioned, is, on this subject especially, entitled to a very great weight—thinks that no man, possessing both honesty and sense, could vote for the resolution which passed the Senate.

[Mr. STRANGE. I did not say so. I said they could not, unless under strong previous bias.]

Mr. EWING. The explanation amounts to but little. A bias which destroyed the honesty or obscured the sense is now introduced and attributed, to lighten the odium of the charge which his unqualified language, as I understood it, cast upon the former majority of this body. And now, the Senator from Virginia, who believed the President had gone to the very verge of the constitution, and had then possessed himself of the treasure which, by that constitution, belonged to the representatives of the people, and the Senator from North Carolina, who was, in private, "startled" by the boldness of the act, until he found that the people sustained it, are ready to vote censure and obloquy upon those Senators who ventured to express an opinion, before they knew whether that opinion would be sustained by the popular voice or not. For one, I respect not their opinions, so elicited and so expressed; and I scorn their censure and their reproach. When men use language harsh or vindictive, or utter degrading charges against others at least as honorable as themselves, they seize a two-edged sword, which often wounds the hand that wields it. I am willing to stand in the ranks in which I then stood, and now stand, and receive their onset, no matter how fierce and how furious. I am willing to risk the character of the majority which passed that resolution, for integrity and intelligence, and independence of thought and of action, against this majority, which is now the instrument of its repudiation. And if, in connexion with the pregnant incidents of the times, the names of those who have taken part in the moving scenes should descend, and pass in review before posterity, I feel that I have well chosen the rank in which my humble name shall stand to receive the judgment of that august tribunal.

I find that I am desultory and diffuse in my course of discussion, but time was not allowed me to prepare to be connected and brief. I have shown that the removal of the deposites was in violation of a contract, and against law. I shall now endeavor to make good the position that it was in violation of the constitution. For this a few words will suffice; for it flows as a consequence from the illegality of the act of removal, and

the conceded point that the Legislature, and not the Executive, is the constitutional keeper and guardian of the public treasure. The President, if he had seized that treasure by an act of open and direct violence, and become himself the keeper, in defiance of legislative authority, would, by the concurrent opinion of all here, have violated that constitution which made the Legislature its keeper. But if, through the exercise of a power which the *law* (not the constitution) placed in his hands for other purposes, he did by lawful means effect this unconstitutional object, does it vary the case, or make the violation of the constitution less certain? The President had by law a right to remove the Secretary of the Treasury, though he had no right to seize the public treasure; but, through the exercise of that power of removal, exerted for that distinct and avowed purpose, and that purpose only, he did seize upon the public treasure, and dispose of it according to his will. He used a lawful weapon to do an illegal and unconstitutional act. This is not difficult to be comprehended. A man has a legal right to use his own walking-stick; yet it is easy to conceive how he may use it illegally. The Senator from Virginia admits that the President almost violated the constitution. "He marched to its verge." I say he overstepped it.

These are my reasons for thinking and for voting that the executive act of the President in the case referred to was not in accordance with the constitution and law, but in violation of both; and I care not how lightly the Senator from North Carolina may speak of either the sense or honesty which dictated that opinion and that vote. Language such as his on this occasion falls harmless to the ground, or recoils on him who utters it.

Having proved the statement in the resolution true, the next inquiry is as to our right to spread it on the record. Gentlemen on the side of the administration heap upon the act, in this aspect of it, the terms "shameful," "disgraceful," "flagrant impropriety"—all the epithets of detestation and abhorrence which those diligent gentlemen have been able to collect and amass from our whole vocabulary. But let this pass; it amounts to little. Reproach and violence from those who profess to pass judgment leaves an intelligent public (to whom is the final appeal) impressed with the conviction that the discretion of the judge was lost in his own passion. They probably will not stop to inquire what has become of his propriety. On the one hand, towards the former majority of the Senate we have vituperation and reproach fit to be cast only on a tenant of Newgate, by a felon like himself; and towards the President tirade upon tirade of fulsome flattery, which would make even a coquette turn sick. Let all this go to the country; a discerning public will see what I see—motives not to be named or avowed, lying deep in the breasts of those who say and do these things—deep, but not hidden, and prompting them, or rather goading them on to the act. As the deed is to be done, I am glad it comes in the form and is pressed in the spirit and temper which here discloses itself; for, being so done, it will be repudiated as authority, either as to opinion or fact, by every honest and candid mind.

Why was it improper or indelicate to pass this resolution, if the facts and opinions set forth in it be true and correct? Gentlemen say we may not express our opinion of the act, because we may possibly be the triers of the actor. The President might, by possibility, be impeached, and we, as a Senate, would be called upon to try him; therefore, it was indelicate and improper to give an opinion beforehand which might influence our decision hereafter. Now, my answer to this is, that the question of delicacy and propriety here put is merely of a personal nature, and addresses itself to each individual member rather than to the whole body; for the Senate, as a body, was not committed to any thing by that resolution. Suppose, then, at the time these resolutions passed, with the full knowledge that all of us had of the power of the Executive and the state of parties in the other House; suppose any one here, being asked privately his opinion on the subject, had declined, as a matter of delicacy, to give it, lest he should be committed in case of an impeachment preferred against the President, which would you have considered it, a serious scruple, or rather an idle jest? The truth is, there is nothing in the point, nor am I able to convince myself that any man ("except under strong political bias") can believe there is any thing in it. As for myself, I knew there was to be no impeachment, and no trial; and my own opinion of propriety and right was then, as it is now, the guide of my own actions. The President had done an act violatory of the constitution, and especially affecting the powers and rights of this body as one of the legislative branches of the Government. What was to be done? Reassert the constitution and the rights of the Senate by law? The executive veto was ready to give a quietus to every law which you might have attempted to pass. He had possessed himself of the public treasure, and you could pass no law to wrest it from his hands. What was to be done? Be calm, say gentlemen; be quiet; make no disturbance; it is quite startling; but say nothing; the country can stand it; and perhaps, if you are silent and patient under this, the President may commit no more acts of violence; but, if you irritate, he may do still worse things. They therefore would have recommended silence and submission.

The Senate, as a legislative body, has the right to assert its own powers by virtue of that first of nature's laws, self-preservation. A body composed of numerous members can speak only by some prescribed form, such as an order or resolution; and as, in this case, their constitutional powers were assailed, it was their duty, their solemn duty, to reassert them, that the invasion might not stand without objection or contradiction, and thus become a binding precedent in future times.

The resolution of the Senate is also objected to as one couched in terms of censure against the President; it is said to be reproachful in its language and its import. Believing that I have established the position that the resolution is true in point of fact and opinion, and that it was due to the rights of this body, which we were delegated by the States, for the time being, to guard and protect, that we should, in a resolution couched in some language, assert those rights; I now ask any candid man, whether a partisan of the President or not, if he can devise any language, conveying the substance and sense of that resolution, which shall be more decorous and more courteous than that? Can you, sir, convey the idea in milder, more dignified, and more appropriate language? It is true it contains no compliment, no adulation. This the Senator from Pennsylvania has discovered, and therefore condemns it. That gentleman, in reference to the President, uses the word "immaculate," which I never before heard applied to but one created being, and that in worship. This resolution contains no such term, as applied to the President; and I think I would not now, if it were again before the Senate, move to insert the word, even if that would gain for it the vote of the gentleman from Pennsylvania.

In England, from which we derive our free institutions, and to which we still refer for precedent of parliamentary independence, (God knows how long those examples may be endured,) in England it is not deemed the duty of Parliament to address the King, or to answer his address, in terms only of acquiescence and praise. The British Parliament represents a free people, and they have not forgotten to speak the language of freemen; and did any one ever hear of an attempt in that body to

cast reproach upon itself or any of its members, because they ventured in such address to move or to express disapprobation of the acts of their monarch, or to assert their own rights or the rights of the people? It certainly has not been deemed a cause for expunging their journals that they contain something disagreeable to majesty. There was a time, it is true, as late as the reign of Charles the First, when the King sent into the House of Commons his warrant to arrest and imprison members for words uttered on the floor of Parliament; but that time has gone by. Great Britain, moving in the direction towards freedom and the perfecting of free institutions, has long since passed that point, and we, tending as rapidly towards despotic power, have not yet quite reached it. When we look at British precedents and refer to British history, we ought not to forget that they and we have started at different points, and are moving in different directions. They, beginning with an irregular and almost despotic monarchy, with undefined powers, checked only by the strength of the feudal aristocracy, have marched onward slowly but steadily, step by step, towards the perfection of a free and representative Government; and perhaps they are still moving onward. We, commencing with a pure constitutional representative Government, with justly balanced powers, have rushed onward with a velocity almost inconceivable towards despotism, if it be decorous to call that despotism which concentrates all the powers of the Government in a single man, and makes his will the law. If, in our different course, we should meet our great archetype, and find, at some one moment of our history, our Government to be what hers is or was, we are not to suppose that our career is thenceforward to be the same. If we meet, we pass with the swiftness of moving engines, so that we can scarcely catch a glance of that which we have met, and from which we are passing.

Mr. President, every thing intrinsic and extrinsic, all that can catch the popular ear or enlist one vulgar passion, no matter how low and base, is resorted to by gentlemen who ought to be, and who are, honorable, to sustain them in the commission of this act. The Senator from Virginia, [Mr. RIVES,] could you credit it, sir, says that this Senate, which is one of the constitutional departments of our Government, and without which the form as well as the essence of our Government could not exist; that this Senate, of which he himself is a member, and which a common but very homely proverb might teach him he could not dishonor without self-degradation; this Senate, he says, is essentially an aristocratic body, riding upon the backs of the people. Do we hear that here, and from such a source, or was I deceived? Who are they that compose the aristocracy of this body? Men elected by the States to discharge, for a time, an important trust; and who, when that trust is discharged, and the period of their service ended, return again to the common mass from which they were taken. Aristocracy! Where is the danger, where is the possibility, of an aristocratic order rising up in this Union? Look about you every where; men who hold the highest stations, and wield the greatest influence, and even wealth, spring from the common ranks of the people. Their power and their influence they cannot transmit; and, as to their wealth, when the hand that gathered and the hand which holds it shall moulder in the dust, it is scattered to the four winds of heaven; it goes to build up and enrich the son of the hard-handed yeoman; and the children's children of him who counted his gold by millions become, not beggars, but common laborers in our streets. Where, then, is the danger of aristocracy in America? There is one source from which it may flow in upon us, and one only. When our public offices become transmissible by the will of the incumbent to his successor; when the men who hold station can direct the line through which the succession to that station shall descend, whether by birth to the son, or by appointment to the favorite, we have, in substance, a monarchy, and we have an aristocracy, in the classic language of the Senator, "riding on the backs of the people;" nay, we have worse, a shameful, corrupt, and corrupting oligarchy.

The gentleman from Pennsylvania [Mr. BUCHANAN] says that the Senate is merely called upon to rejudge its own justice; in other words, to determine whether the opinion it expressed was correct or not. But is this true? Is that the act to which the majority of the Senate is now proceeding? If so, it were but an expression of opinion adverse to opinions heretofore expressed by a former majority, and entirely consistent with gentlemanly intercourse and feeling. But no such thing. No; it is placed, and it is pressed, as a vote of censure and opprobrium upon the former majority. The gentleman from Pennsylvania, it seems, once intended it should assume a form consistent with the courtesy and propriety of legislative bodies. He promised the striking out of the obnoxious word "expunge," and so the resolution was to have passed; and what strong motive, or strong offence, could have induced the Senator to abandon his conciliatory course, and again poison the resolution with insult and reproach? What, think you, could have so driven him from his propriety? Why, truly a Senator from Massachusetts, some two years since, moved to lay the expunging resolution, when so amended, on the table; that was the insult: a motion to lay a resolution on the table is the mighty insult which swells the hearts of gentlemen almost to bursting with patriotic indignation, and which justifies all this harsh and ruthless violence. Hence the word "expunge" in the body of the resolution. Hence a recital charged with as harsh and injurious imputation as gentlemen can use towards each other, if not more harsh and more injurious. The Senator from Pennsylvania says he wished to be saved the necessity of compelling the Senate to vote this stigma upon themselves. Who, I ask, gave him, and those with whom he acts, power, and who gave them impunity, to fix stigmas, or compel stigmas, upon men, in all things honorable, their equals at least? Who cares for their stigma or their censure? I, for one, cast them to the winds. I despise, I trample upon them. Sir, since it has been determined that a resolution in any form inconsistent with the resolution of March, 1834, should pass; and since there is at last a majority in the Senate ready to obey the mandate, I am glad once again that it contains substance, and has assumed a form, which will forever destroy it as authority for the future; and when it comes to an issue such as this, veracity, and honor, and character brought into collision, I fear not the issue of the contest, and I care not with what weapons it is waged. All at last results in an appeal to the country and to future times. And if this resolution had been couched in language of decent sobriety; if it had been in its terms calm, dispassionate, and strong, it would, by virtue of the names which support it, have carried with it much weight and authority; but now there is no danger of this; the resolution itself, and the speeches with which it is ushered in, show the spirit by which it is moved. Sir Edward Coke, at a time when he was himself a sycophant, called Sir Walter Raleigh "a spider of hell," because Raleigh was unhappily out of favor with his sovereign; yet, no one at this day esteems Coke the more or Raleigh the less for this outpouring of malignity. Edmund Saunders, in the report of one of his cases at law, says that Twysden (Justice) gave judgment *in furore;* and he adds, in his quiet manner, "note, reader, this judgment was clearly wrong;" and such has been the universal opinion of the profession since; and such will be the opinion, *a priori*, of mankind, as to every judicial

decision, and every act of a deliberative body, which is the result of passion rather than reason and judgment.

The majority of the Senate, who are moving on, or, perhaps, more properly speaking, moved on, to the destruction of the journals, ought to consider well the act which they are about to perform. The constitution, which we and they are sworn to support, requires that the Senate shall "keep" a journal of their proceedings; much useless learning was expended upon this word at the last session. We know its meaning without consulting our dictionaries; its popular sense is its true sense. The framers of the constitution did not search books for the definition of the word, but understood it and used it in its plain and obvious sense; and they would have been astonished if it had been told them that that word could ever become the subject of cavil. That it has so, and that it is now the doctrine of the majority that the destruction of the record is no infraction of the constitution, which requires that it shall be kept, is a touchstone by which the value of their judgment against the former majority of the Senate may be tested. It is a matter that every man of plain common sense can understand and decide as well as the most learned and most wise; and they can, from this specimen, determine how much weight is due to the opinions of men who hold that to erase, to blot out, to expunge, is not inconsistent with the command "to keep," to which command we all have sworn obedience. I will not touch the miserable sophistry by which gentlemen attempt to evade the meaning and wrest the sense of this provision of the constitution: it does not merit a reply.

The constitution of Pennsylvania is substantially copied, in this particular, from the constitution of the United States; like that, it contains a provision that both Houses shall keep a journal. The Senator from Pennsylvania, many years ago, while a member of one branch of that Legislature, moved a resolution declaring that it was a violation of the constitution to expunge any thing from the journal once entered there. He is of the same opinion still; and he proposes to be consistent, and yet vote for expunging what is entered on the journals of this body, under a precisely similar constitutional provision. Could any man who had not heard him conjecture how this could be done? The word *expunge* has, he says, a literal, and it has also a metaphorical meaning; and the records of the Senate are to be expunged metaphorically. What a farce, if its atrocity would permit us to look upon it as a subject of ridicule! But who could avoid smiling, even in the midst of bitterness, to see the array of authorities which the erudite Senator adduced to show that the word "expunge" is used metaphorically in cases where it cannot have a literal application? He has shown us examples in which good writers speak of expunging forms of government, systems of religion, and the vices of men—all clearly metaphorical, and known at once to be so, because they are not susceptible of the literal and physical application of the term. You cannot draw a black line over, nor can you draw black lines round, a "form of government," for you cannot touch it or handle it, though you may mar its symmetry and destroy its strength; nor can you take physical, tangible hold of systems of religion or of human vices; hence the terms you apply to them are necessarily metaphorical, whether you expunge, uproot, or demolish them. But if you expunge a writing which is on paper, or uproot a tree or shrub, or demolish a building, the words then have their literal meaning, capable only of literal, physical application; and he who pretends to use it under those circumstances metaphorically, wrests the word from its true use, and gives it a false application. Expunge metaphorically! The disquisition of the learned gentleman reminds me of the death of two doughty heroes in a fatal battle, commemorated in the "Rape of the Lock"—

"One died in *metaphor*, and one in song."

It will be seen at once that the thought is much better in a burlesque poem than in grave debate on the floor of the Senate.

But the Senator from Pennsylvania has spread cheering prospects before us; a bright vista, opening amid the surrounding gloom, to delight our vision. This, he says, is the last exciting subject that is to agitate our councils; we are to have a halcyon season; all is to be, henceforth, quiet, and kindness, and peace. But he has not told us how these things are to be brought to pass; whether this is the last act of violence that is to be perpetrated by the majority against the constitution of their country and the rights of this body; or whether he supposes that, by this, the spirit of liberty is to be crushed, and we are to be awed to silence and submission. I will suppose the first, as it better accords with the kindness which he still entertains for those whose rights and feelings he has most outraged; and if so, his language may be rendered into brief, plain English, thus: Gentlemen, be quiet and be calm; meet us with no arguments, and cast on us no reproaches; the President must be gratified, because he is immaculate; and you must be stigmatized, because you have offended him. We may be somewhat harsh and unscrupulous, but excuse us, for we are very much excited; but this is the last time we will do an act of lawless violence against you; all shall be, henceforth, justice and peace.

I should be gratified to know that the Senator from Pennsylvania has that power over the political elements which he seems to claim in giving us this strong assurance of their future quiet. Would that we could rely upon his promise or his prediction; but no, he is deceived. Those who have abandoned the standard of the constitution and the law cannot, when they choose, rear it again, and rally the hosts around it, and calm their fears, and reanimate their confidence. They cannot lay their hands upon the institutions of their country, and pull down and destroy, until they themselves shall be satisfied, and then bid the work of mischief cease. When the ocean is lashed into a rage, no matter who are the spirits of the storm, they cannot say to it, "thus far shalt thou go, and no farther; and here shall thy proud waves be stayed." No, he is deceived; there are other powers in motion below and around him which he wists not of, and whose might he can neither direct nor resist. I have stood upon the borders of this mighty ocean, and noted the precursors of the coming storm. I have heard the moan of the waves in the caverns of the deep, and seen the upheaving of the billows, which will rise, and rage, and toss, as foam from their crest, him and those who are now his trust and his strength.

Mr. President, I envy not the triumph of him who has pressed forward these resolutions, against the opinions, and the feelings, and the consciences, of those whom he has found means to compel to their support—resolutions which he has urged on with passions—fierce, vindictive furious. Still less do I envy the condition of those who are compelled to go onward, against all those feelings and motives which should direct the actions of the legislator and the man. Why do I see around me so many pale features and downcast eyes, unless it be that repentance and remorse go hand in hand with the perpetration of the deed? I had rather stand with the minority; yes, I would rather a thousand times stand alone, powerless but conscience free, than to wield the strength of an empire, on the hard conditions on which it is placed in their hands.

But this scene is passing, and will soon have passed, not to be recalled—the deed is to be done, and you and we must submit our acts to an enlightened public, whose judgment will be a foretaste of the judgment of posterity. To these I bow with submission and hope, but not with

unwavering confidence of the future. The fame of those who have joined in this struggle for the constitution depends upon the final success of constitutional government. If that prevail and endure, if the clouds that overshadow its prospects pass away, and it be restored to what it once was, in all its freshness and beauty, every thing that we could desire for ourselves and our country is attained. But if we still move on in the downward course, if the cataract only be passed, and we are to glide on in the smooth but rapid current into the gulf to which we have been tending, and are never to return, these struggles will be referred to hereafter as scenes in which the country was disturbed by violent and factious spirits, and the names of those who stood for the constitution amid these stormy scenes will be mentioned only with censure and reproach. So it has been in times past. When the last spark of Roman liberty was extinguished, and a monarch's court and council occupied the forum and the Senate chamber, when no voice but that of Augustus was heard, and no power but his was known, the venal flatterers of his court vied with each other in heaping praise on him, and censure and reproach on those firm spirits who stood for their country to the last, and were at last buried in its ruins. Cæsar, by his power and clemency, had subjugated a world; all but the dark and unbending soul of Cato. In an event such as this, (which Heaven avert,) let the little band to which it is my pride to belong share in the reproach as they share in the spirit of the last of the Romans—that spirit which scorns to bow before any earthly power, save that of their country and its laws.

When Mr. EWING had concluded,

The question was taken on the amendments of Mr. STRANGE, and they were agreed to.

The debate having closed, and the question being about to be taken, Mr. WEBSTER rose and addressed the Senate as follows:

Mr. President: Upon the truth and justice of the original resolution of the Senate, and upon the authority of the Senate to pass that resolution, I had an opportunity to express my opinions at a subsequent period, when the President's protest was before us. Those opinions remain altogether unchanged.

And now, had the constitution secured the privilege of entering a PROTEST on the journal, I should not say one word on this occasion; although, if what is now proposed shall be accomplished, I know not what would have been the value of such a provision, however formally or carefully it might have been inserted in the body of that instrument.

But, as there is no such constitutional privilege, I can only effect my purpose by thus addressing the Senate; and I rise, therefore, to make that PROTEST in this manner, in the face of the Senate, and in the face of the country, which I cannot present in any other form.

I speak in my own behalf, and in behalf my colleague; we both speak as Senators from the State of Massachusetts, and, as such, we solemnly PROTEST against this whole proceeding.

We deny that Senators from other States have any power or authority to expunge any vote or votes which we have given here, and which we have recorded, agreeably to the express provision of the constitution.

We have a high personal interest, and the State whose representatives we are, has also a high interest in the entire preservation of every part and parcel of the record of our conduct, as members of the Senate.

This record the constitution solemnly declares shall be *kept;* but the resolution before the Senate declares that this record shall be *expunged.*

Whether subterfuge and evasion, and, as it appears to us, the degrading mockery of drawing black lines upon the journal, shall or shall not leave our names and our votes legible, when this violation of the record shall have been completed, still the terms "to expunge" and the terms "to keep," when applied to a record, import ideas exactly contradictory; as much so as the terms "to preserve" and the terms "to destroy."

A record which is *expunged,* is not a record which is *kept,* any more than a record which is *destroyed* can be a record which is *preserved.* The part expunged is no longer part of the record; it has no longer a legal existence. It cannot be certified as a part of the proceeding of the Senate for any purpose of proof or evidence.

The object of the provision in the constitution, as we think, most obviously is, that the proceedings of the Senate shall be preserved, in writing, not for the present only, not until published only, because a copy of the printed journal is not regular legal evidence; but preserved indefinitely; preserved, as other records are preserved, till destroyed by time or accident.

Every one must see that matters of the highest importance depend on the permanent preservation of the journals of the two Houses. What but the journals show that bills have been regularly passed into laws, through the several stages? what but the journal shows who are members, or who is President, or Speaker, or Secretary, or Clerk, of the body? What but the journal contains the proof, necessary for the justification of those who act under our authority, and who, without the power of producing such proof, must stand as trespassers? What but the journals show who is appointed, and who rejected, by us, on the President's nomination; or who is acquitted, or who convicted, in trials on impeachment? In short, is there, at any time, any other regular and legal proof of any act done by the Senate than the journal itself?

The idea, therefore, that the Senate is bound to preserve its journal only until it is published, and then may alter, mutilate, or destroy it at pleasure, appears to us one of the most extraordinary sentiments ever advanced.

We are deeply grateful to those friends who have shown, with so much clearness, that all the precedents relied on to justify or to excuse this proceeding, are either not to the purpose, or, from the times and circumstances at and under which they happened, are no way entitled to respect in a free Government, existing under a written constitution. But, for ourselves, we stand on the plain words of that constitution itself. A thousand precedents elsewhere made, whether ancient or modern, can neither rescind, nor control, nor explain away, these words.

The words are, that "each House shall KEEP a journal of its proceedings." No gloss, no ingenuity, no specious interpretation, and much less can any fair or just reasoning reconcile the process of expunging with the plain meaning of these words, to the satisfaction of the common sense and honest understanding of mankind.

If the Senate may now expunge one part of the journal of a former session, it may, with equal authority, expunge another part, or the whole. It may expunge the entire record of any one session, or of all sessions.

It seems to us inconceivable how any men can regard such a power, and its exercise at pleasure, as consistent with the injunction of the constitution. It can make no difference what is the completeness or incompleteness of the act of expunging, or by what means done, whether by erasure, obliteration, or defacement; if by defacement, as here proposed, whether one word or many words are written on the face of the record; whether little ink or much ink is shed on the paper; or whether some part, or the whole, of the original written journal may yet by possibility be traced. If the act done be an act to expunge, to blot out, obliterate, to erase the record, then the record is expunged, blotted out, obliterated, and erased. And mutilation and alteration violate

the record as much as obliteration or erasure. A record, subsequently altered, is not the original record. It no longer gives a just account of the proceedings of the Senate. It is no longer true. It is, in short, no journal of the real and actual proceedings of the Senate, such as the constitution says each House shall keep.

The constitution, therefore, is, in our deliberate judgment, violated by this proceeding in the most plain and open manner.

The constitution, moreover, provides that the *yeas and nays*, on any question, shall, at the request of one fifth of the members present, *be entered on the journal*. This provision, most manifestly, gives a personal right to those members who may demand it, to the entry and preservation of their votes on the record of the proceedings of the body, not for one day or one year only, but for all time. There the *yeas and nays* are to stand, forever, as permanent and lasting proof of the manner in which members have voted on great and important questions before them.

But it is now insisted that the votes of members, taken by *yeas and nays*, and thus entered on the journal, as matter of right, may still be expunged; so that that, which it requires more than four fifths of the Senators to prevent from being put on the journal, may, nevertheless, be struck off, and erased, the next moment, or at any period afterwards, by the will of a mere majority; or, if this be not admitted, then the absurdity is adopted of maintaining, that this provision of the constitution is fulfilled by merely preserving the *yeas and nays* on the journal, after having expunged and obliterated the very resolution, or the very question, on which they were given, and to which alone they refer; leaving the *yeas and nays* thus a mere list of names, connected with no subject, no question, no vote. We put it to the impartial judgment of mankind, if this proceeding be not, in this respect also, directly and palpably inconsistent with the constitution.

We protest, in the most solemn manner, that other Senators have no authority to deprive us of our personal rights, secured to us by the constitution, either by expunging, or obliterating, or mutilating, or defacing, the record of our votes, duly entered by *yeas and nays;* or by expunging and obliterating the resolutions or questions on which those votes were given and recorded.

We have seen, with deep and sincere pain, the Legislatures of respectable States instructing the Senators of those States to vote for and support this violation of the journal of the Senate; and this pain is infinitely increased by our full belief, and entire conviction, that most, if not all these proceedings of States had their origin in promptings from Washington; that they have been urgently requested and insisted on as being necessary to the accomplishment of the intended purpose; and that it is nothing else but the influence and power of the executive branch of this Government which has brought the Legislatures of so many of the free States of this Union to quit the sphere of their ordinary duties, for the purpose of co-operating to accomplish a measure, in our judgment, so unconstitutional, so derogatory to the character of the Senate, and marked with so broad an impression of compliance with power.

But this resolution is to pass. We expect it. That cause, which has been powerful enough to influence so many State Legislatures, will show itself powerful enough, especially with such aids, to secure the passage of the resolution here.

We make up our minds to behold the spectacle which is to ensue.

We collect ourselves to look on, in silence, while a scene is exhibited which, if we did not regard it as ruthless violation of a sacred instrument, would appear to us to be little elevated above the character of a contemptible farce.

This scene we shall behold, and hundreds of American citizens, as many as may crowd into these lobbies and galleries, will behold it also: with what feelings I do not undertake to say.

But we PROTEST, we most solemnly PROTEST, against the substance and against the manner of this proceeding, against its object, against its form, and against its effect. We tell you that you have no right to mar or mutilate the record of our votes given here, and recorded according to the constitution; we tell you that you may as well erase the *yeas and nays* on any other question or resolution, or on all questions and resolutions, as on this; we tell you that you have just as much right to falsify the record, by so altering it as to make us appear to have voted, on any question, as we did not vote, as you have to erase a record, and make that page a blank, in which our votes, as they were actually given and recorded, now stand. The one proceeding, as it appears to us, is as much a falsification of the record as the other.

Having made this PROTEST, our duty is performed. We rescue our own names, character, and honor, from all participation in this matter; and whatever the wayward character of the times, the headlong and plunging spirit of party devotion, or the fear or the love of power, may have been able to bring about elsewhere, we desire to thank God that they have not, as yet, overcome the love of liberty, fidelity to true republican principles, and a sacred regard for the constitution, in that State whose soil was drenched, to a mire, by the first and best blood of the Revolution. Massachusetts, as yet, has not been conquered; and while we have the honor to hold seats here as her Senators, we shall never consent to a sacrifice either of her rights, or our own; we shall never fail to oppose what we regard as a plain and open violation of the constitution of the country; and we should have thought ourselves wholly unworthy of her if we had not, with all the solemnity and earnestness in our power, PROTESTED against the adoption of the resolution now before the Senate.

The question being on the adoption of the resolution, as amended,

Mr. BENTON demanded the yeas and nays; which were ordered.

He then moved that the blanks in the resolution be filled by inserting the 16th day of January. It was agreed to; and, having been done,

The question was taken, by yeas and nays, on the adoption of the resolution in the following form:

Resolution to expunge from the journal the resolution of the Senate of March 28, 1834, *in relation to President Jackson and the removal of the deposites.*

Whereas, on the 26th day of December, in the year 1833, the following resolve was moved by the Senate:

"*Resolved*, That by dismissing the late Secretrry of the Treasury, because he would not, contrary to his own sense of duty, remove the money of the United States in deposite with the Bank of the United States and its branches, in conformity with the President's opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States not granted him by the constitution and laws, and dangerous to the liberties of the people;"

Which proposed resolve was altered and changed by the mover thereof, on the 28th day of March, in the year 1834, so as to read as follows:

"*Resolved*, That, in taking upon himself the responsibility of removing the deposite of the public money from the Bank of the United States, the President of the United States has assumed the exercise of a power over the

Treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people;"

Which resolve, so changed and modified by the mover thereof, on the same day and year last mentioned, was further altered, so as to read in these words:

"*Resolved*, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both;"

In which last-mentioned form the said resolve, on the same day and year last mentioned, was adopted by the Senate, and became the act and judgment of that body, and, as such, now remains upon the journal thereof:

And whereas the said resolve was not warranted by the constitution, and was irregularly and illegally adopted by the Senate, in violation of the rights of defence which belong to every citizen, and in subversion of the fundamental principles of law and justice; because President Jackson was thereby adjudged and pronounced to be guilty of an impeachable offence, and a stigma placed upon him, as a violator of his oath of office, and of the laws and constitution which he was sworn to preserve, protect, and defend, without going through the forms of an impeachment, and without allowing to him the benefits of a trial, or the means of defence:

And whereas the said resolve, in all its various shapes and forms, was unfounded and erroneous in point of fact, and therefore unjust and unrighteous, as well as irregular and unauthorized by the constitution; because the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve; nor in taking upon himself the responsibility of removing the deposites, as specified in the second form of the same resolve; nor in any act which was then or can now be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and constitution, or dangerous to the liberties of the people:

And whereas the said resolve, as adopted, was uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and constitution, and assuming ungranted power and authority in the late executive proceedings in relation to the public revenue; without specifying what part of the executive proceedings, or what part of the public revenue, was intended to be referred to; or what parts of the laws and constitution were supposed to have been infringed; or in what part of the Union, or at what period of his administration, these late proceedings were supposed to have taken place; thereby putting each Senator at liberty to vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the Senate's judgment to be guessed at by the public, and to be differently and diversely interpreted by individual Senators, according to the private and particular understanding of each: contrary to all the ends of justice, and to all the forms of legal or judicial proceeding; to the great prejudice of the accused, who could not know against what to defend himself; and to the loss of senatorial responsibility, by shielding Senators from public accountability for making up a judgment upon grounds which the public cannot know, and which, if known, might prove to be insufficient in law, or unfounded in fact:

And whereas the specification contained in the first and second forms of the resolve having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications, and the same having been actually withdrawn by the mover, in the face of the whole Senate, in consequence of such objection and belief, and before any vote taken thereupon; the said specifications could not afterwards be admitted by any rule of parliamentary practice, or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were thus withdrawn; and, if they could be so admitted, they would not be sufficient to sustain the charges therein contained:

And whereas the Senate being the constitutional tribunal for the trial of the President, when charged by the House of Representatives with offences against the laws and the constitution, the adoption of the said resolve, before any impeachment preferred by the House, was a breach of the privileges of the House; not warranted by the constitution; a subversion of justice; a prejudication of a question which might legally come before the Senate; and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence:

And whereas the temperate, respectful, and argumentative defence and protest of the President against the aforesaid proceeding of the Senate was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its journal or printed among its documents; while all memorials, petitions, resolves, and remonstrances, against the President, however violent or unfounded, and calculated to inflame the people against him, were duly and honorably received, encomiastically commented upon in speeches, read at the table, ordered to be printed with the long list of names attached, referred to the Finance Committee for consideration, filed away among the public archives, and now constitute a part of the public documents of the Senate, to be handed down to the latest posterity:

And whereas the said resolve was introduced, debated, and adopted, at a time and under circumstances which had the effect of co-operating with the Bank of the United States in the parricidal attempt which that institution was then making to produce a panic and pressure in the country; to destroy the confidence of the people in President Jackson; to paralyze his administration; to govern the elections; to bankrupt the State banks; ruin their currency; fill the whole Union with terror and distress; and thereby to extort from the sufferings and the alarms of the people the restoration of the deposites and the renewal of its charter:

And whereas the said resolve is of evil example and dangerous precedent, and should never have been received, debated, or adopted by the Senate, or admitted to entry upon its journal: Wherefore,

Resolved, That the said resolve be expunged from the journal; and, for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript journal of the session 1833-'34 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: "Expunged by order of the Senate, this 16th day of January, in the year of our Lord 1837."

On agreeing to this resolution, the vote was as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, Wright—24.

NAYS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Moore, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—19.

So the resolution was agreed to.

Mr. BENTON, observing that nothing now remained but for the Secretary to carry into effect the order of the Senate, moved that that be forthwith done.

The Secretary thereupon produced the record of the Senate, and, opening it at the page which contained the resolution to be expunged, did, in the presence of such of the members of the Senate as remained, (many having retired,) proceed to draw black lines entirely round the resolution, and to endorse across the lines the words "Expunged by order of the Senate, this 16th day of January, 1837."

No sooner had this been done, than hisses, loud and repeated, were heard from various parts of the gallery.

The CHAIR, (Mr. KING, of Alabama.) Clear the galleries.

Mr. BENTON. I hope the galleries will not be cleared, as many innocent persons will be excluded, who have been guilty of no violation of order. Let the ruffians who have made the disturbance alone be apprehended. I hope the Sergeant-at-arms will be directed to enter the gallery, and seize the ruffians, ascertaining who they are in the best way he can. Let him apprehend them, and bring them to the bar of the Senate. Let him seize the bank ruffians. I hope that they will not now be suffered to insult the Senate, as they did when it was under the power of the Bank of the United States, when ruffians, with arms upon them, insulted us with impunity. Let them be taken and brought to the bar of the Senate. Here is one just above me, that may easily be identified--the bank ruffians!

The order to clear the galleries was revoked, and the Sergeant-at-arms directed to proceed into the galleries and apprehend the persons who had created the disorder. In a very few minutes the Sergeant-at-arms returned, and reported to the Chair that he had apprehended an individual, and had him in custody.

Mr. BENTON moved that he be brought to the bar of the Senate.

Mr. MORRIS opposed the motion, and demanded the yeas and nays; which being ordered and taken, stood: Yeas 17, nays 8. So the motion was carried.

It was suggested by Mr. MOORE that there was not a quorum present, and the Chair at first so decided. But, on being reminded that one of the Senators from Louisiana had resigned, 25 was a majority of the 49 remaining, he declared that a quorum was present.

Mr. MOORE now moved an adjournment; but the motion was lost.

The Sergeant-at-arms now produced and presented an individual at the bar of the Senate.

[He was a tall, well-dressed man, wrapped in a black overcoat.]

Mr. BENTON said that, as the individual had been taken from among the respectable audience in the gallery, and had been presented in this public manner, with all eyes fixed upon him, he had perhaps been sufficiently punished in his feelings. Mr. B. was not disposed to push the proceedings any further, and therefore moved that he be discharged from custody.

Mr. MORRIS considered the whole proceeding as very extraordinary. If the individual had been worthy of arrest, he ought to have an opportunity of defence. A citizen had been brought to the bar of the Senate, and not informed for what reason, nor of what offence he stood charged; and now it was moved that, without a hearing, he be discharged from custody. Call you this (said Mr. M.) the justice of the Senate of the United States? Is it in this manner that cittzens are to be treated? It appears to me a most extraordinary proceeding.

Mr. SEVIER moved an adjournment; but the motion did not prevail.

Mr. ROBINSON, near whose seat the person apprehended then stood, proposed that the individual have an opportunity to purge himself by oath from the contempt. The Senate were not to presume him guilty; and if he was willing to swear that he intended no contempt, he ought to have an opportunity to do so.

Mr. MORRIS demanded the yeas and nays on the motion for his discharge; and they were ordered accordingly.

Mr. BENTON observed that if the individual was ready to go to the Clerk's table, and there, by oath, to purge himself of the contempt, he had no objection. Let him do so.

Mr. ROBINSON now stated, on behalf of the person apprehended, that he was willing and ready to answer interrogatories.

Mr. BENTON thereupon withdrew his motion for his discharge.

The CHAIR reminded him that he could not do this, inasmuch as the yeas and nays upon it had been ordered.

Mr. MORRIS was strongly opposed to having the individual suddenly, without warning, and without opportunity to consult counsel, brought forward to take his oath, and undergo interrogatories. It would be better to give him until to-morrow, that he might have some leisure for reflection. He had been brought up here before the Senate of the United States, and before the people of the United States, and to require him thus suddenly to be put upon oath in his defence was wrong.

He concluded by moving an adjournment.

The yeas and nays were demanded and ordered on the motion to adjourn.

Mr. STRANGE thought that if the individual was willing now to be sworn, and to undergo interrogatories, he was certainly the best judge of his own rights. He best knew what he could undergo, and there was no need that Senators should become his advocates.

Mr. BENTON said that if the man wished to purge himself on oath, now, here, in presence of the Senate, it was very well. Let him do so. But if he wanted to go away and consult a lawyer, if he must ask a lawyer to-morrow before he could tell whether he meant to insult the Senate to-night, he was opposed to it. If he was ready to swear, let him do it, but no consulting with lawyers.

The CHAIR stated to Mr. MORRIS that the individual in custody was not brought up without a charge, as that Senator seemed to intimate. He was charged with disorderly conduct in the presence of the Senate, and the law gave the Senate, as it gave a court of justice, power to protect itself in all such cases, by a summary proceeding, and on the evidence of its own senses.

Mr. ROBINSON again said that the individual in custody wished for an opportunity of purging himself from the contempt.

Some confusion prevailed. But the motion for his discharge being pressed, the question was put, and decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Tallmadge, Tipton, Walker, White, Wright—23.

NAY—Mr. Wall—1.

The individual was accordingly discharged from custody.

The individual referred to thereupon advanced, and, addressing the Chair, said:

"Mr. President, am I not to be permitted to speak in my own defence?"

The CHAIR, to the Sergeant-at-arms: "Take him out!"

The Senate then adjourned.

TUESDAY, JANUARY 17.

ABOLITION IN THE DISTRICT OF COLUMBIA.

Mr. KENT, having presented a memorial from the grand jury of Washington county, protesting against the interference of citizens from distant States in respect to the abolition of slavery in the District of Columbia, moved that it be laid on the table and printed.

Mr. MORRIS rose and said that he had hundreds of petitions to present for the abolition of slavery; and, therefore, he would ask for the yeas and nays on the question of printing the memorial which had just been presented. Not ordered.

Mr. HUBBARD suggested to the Senator from Maryland, [Mr. KENT,] whether it would not be as well to print an extra number of copies of this important document, for the purpose of distribution, as it might be productive of good.

Mr. CALHOUN said that he would make that motion. It was a most important paper, and there was one part of it at which he most heartily rejoiced. It took the true position—that abolition petitions should not be received. There was a dangerous and mischievious spirit at work in various parts of the country, connected with this question. It was only at the last session that he had contended for what the memorialists suggest to Congress. He had urged that very point, and he found himself in a very considerable minority. He hoped that such would not be the case now he was supporting this motion. He would second the motion of the Senator from Ohio, trusting that he would renew it, and be indulged with the yeas and nays.

Mr. HUBBARD remarked that he had suggested to the Senator the printing of an extra number, not on account of his own feelings particularly, but because he believed the proceedings of individuals in different parts of the country on this subject were predicated upon the supposed fact that the people living in the District of Columbia were in favor of the abolition of slavery from among them.

Mr. WALL said that he was in favor of printing the usual number. He confessed that it did appear to him a most singular thing, that gentlemen who claimed the right to petition should protest against others having the right to do the same thing. And, although the gentleman from South Carolina had expressed his congratulation at the sentiments avowed by the memorialists, they seemed to him (Mr. W.) totally at war with the fundamental principles of our constitution. He was sorry to see any body of men—respectable as he had no doubt the petitioners were—act upon the high ground that they had a right to petition, and that others, taking a different view of the question, were not entitled to have their petitions received by Congress. He was perfectly willing that they should enjoy their own rights; for he acknowledged, in the utmost extent, the right of petition, as one of the most sacred rights of the people of this country. It was a right which Congress did not give. It was a right which they could not take away. And he was not disposed, for one, to countenance the idea that the Senate could take away the right of petition from any part of this great community, or favor the claims made by one portion of the public, and at the same time deny the right of the other to present their petitions. He declared that he would give no countenance whatever to the sentiments of the memorialists, so far as to vote for publishing an additional number of copies. He was willing to vote for the printing of the memorial, because it was couched in respectful language. And for the reason that gentlemen were interested in the subject, he was for giving every opportunity for a fair, calm, and dispassionate investigation into what they asked. But he would not, he repeated, honor the memorial by having an additional number of it printed at the expense of the United States, because it contained, as he conceived, a principle altogether subversive of the rights of the whole community.

Mr. CALHOUN observed that there was a very marked difference between receiving petitions, the effect of which was to deprive men of what belonged to them, and doing so for the purpose of defending their rights and their property. Slaves were as much the property of the latter, as stocks, houses, or lands, were of those who would deprive them of their rights and property. These petitioners prayed that all good citizens would cease to project acts of robbery upon them. The Senator from New Jersey put both classes of petitioners upon the same footing. Those (concluded Mr. C.) who claim to disturb a man of his property shall not be heard. If one petition is to be rejected, the other is to be rejected. The memorialists have a right to be heard, and they have a right to insist that those who come here to disturb their property shall not be heard.

Mr. NILES said that the question was not whether petitioners in general stood upon a somewhat different ground from the present residents in the District of Columbia, but whether the subject-matter was proper for Congress to entertain, even so far as to print a petition which might operate on public sentiment. For his own part, he wished that Congress would act decidedly on this agitating topic. He had no doubt that these petitioners had a deep interest in what they requested. But, nevertheless, the question was the same as respected both classes of petitioners, and was one which Congress could not go into at all. When the subject was not at present discussed by the public, and when it was desirable that tranquillity should be preserved, why, he asked, should the Senate of the United States agitate the question now? He recollected perfectly well, that at the last session the gentleman from South Carolina went so far as to protest against the reception of a single petition, though, to be sure, coming from those not having the same interest as the gentlemen whose memorial was now before the Senate, but still such an interest as gave them a right to come here. The rule in regard to the right of petition must apply equally and fairly, and give no preference to one portion of the community over another. He was, then, he must say, altogether opposed to printing the memorial, and should vote against the adoption of that course. The printing of an extra number of copies would produce no good effect, but, on the contrary, would cause the subject to be again agitated in various parts of the Union. His honorable friend [Mr. HUBBARD] seemed to think that by the distribution of the memorial a good effect might be produced on the public mind. He could not agree with him on that point, and must repeat that the subject was one which Congress ought not to entertain, inasmuch as it was not proper that they should act on one side of the question and not on the other.

Mr. BROWN said he intended to vote against the extra number. If he were to vote to print an extraordinary number of the memorial sent here by the grand jury, it would imply that there was some danger of Congress being about to legislate on the subject. He repeated, that should an extra number be ordered, the idea would be spread abroad, and reasons given to suspect, that Congress intended to act in the matter. Now, as he did not believe that there was the slightest ground for any such apprehension, as no such action was entertained by either branch of the National Legislature, he was utterly averse to do any act which had a tendency to create that idea. But, besides that, it did appear to him somewhat novel to ask for the printing of an extraordinary number of a document coming from private individuals.

Undoubtedly the proper course of gentlemen was, not to do any act here which would promote agitation. Now, he contended that the printing of the document in question, and the dissemination of it throughout the country, did, in some degree, tend to increase the agitation in reference to this question.

Why, then, he would ask, should the Senate of the United States lend its sanction to a course which would induce the country to believe that it purposed acting on the subject of slavery? There being no ground to apprehend any such movement on the part of Congress, he would do nothing to lend his sanction to the supposition that Congress intended to interfere with the matter.

Mr. CALHOUN thought it most extraordinary that Senators should put on a level petitioners who had nothing to lose, with the petitioners whose memorial had just been read. Did the Senator from North Carolina mean to say that when men all over the country were agitating the question of the abolition of slavery, that these petitioners, and others situated like them, who had a great interest in this matter, on account of their property, were to close their mouths? Had they not a right to express their assent or dissent? And had not one side a right to express their opinion with regard to the other? Was this the language of the Senator? Was the Senate to understand the honorable Senator from Connecticut that slaveholders had no more claim to be heard than those who were disturbing their interests? This was indeed most extraordinary. He looked upon this as a very calm remonstrance on the part of this respectable grand jury; and he was very happy that the Senator from New Hampshire had thought it proper that the memorial should be distributed among the people; for it would show that what was about to be done was an act of robbery.

Mr. KING, of Alabama, observed that he should vote for the printing of the memorial with great pleasure, but he would not do so if aware that it came from a set of fanatics who were disturbing the quiet of the country, and endeavoring to bring about a dissension. Congress were the sole legislators of the District, as he had been reminded, and they were bound to receive the memorials with proper attention and respect. He hoped that a proper spirit would be manifested with respect to other memorials, as the gentleman from Ohio [Mr. MORRIS] had said he had some hundreds. He maintained that Congress were bound to protect the people of the District of Columbia in their rights. He did not know, however, that the Senate were bound to order an extra number of copies of the memorial to be printed.

Mr. MORRIS, after stating what was the language of the memorialists, remarked that he entirely approved of the sentiments expressed by the Senator from New Jersey, for they were precisely his own. The question then was, "shall this paper be printed?" He was disposed to vote for the printing of it, because he believed it of the highest importance, and one that should be given to the community; for it was desirable that they should be in possession of every thing that was calculated to throw light on the subject. If the memorialists were correct in principle, and if, by their arguments, they should be able to convince the country that the question of slavery ought not to be touched by Congress, a desirable object might be attained; or if, on the other hand, their reasons should be considered unsound, and not founded in justice and truth, they would at least have been presented to the people of the United States, as those of a respectable body of men, speaking according to the dictates of their consciences. He was ready and willing to vote for printing the usual number of copies. He wished that this paper was in the hands of every citizen of the United States; and if his vote and voice could effect that object, he would do it instantly. Why? That each might read and judge for himself. It was not now necessary to presume upon what would be the action of Congress on the subject, when other petitions should hereafter be presented. Whether they would be ordered to be printed, or received, he would not pretend to anticipate. But with respect to this memorial, it did appear to him that it was desirable it should be printed; even out of courtesy to the mover, if for no other reason, who was the chairman of the Committee on the District of Columbia, and the representative of an adjoining State, which felt great interest in the subject.

Mr. BROWN understood the honorable Senator from South Carolina to ask the question, whether he (Mr. B.) desired to array the interests of one great section of the country against the other?

Mr. CALHOUN explained, that he had asked the Senator from North Carolina whether he would put in the same scale those petitioners whose rights were not affected, with those whose rights were disturbed and threatened with annihilation?

Mr. BROWN replied, certainly not. Those whose property was involved had every right to petition and protest in every way. He had made no objection to the printing of the usual number of copies of the memorial. But what rights were compromised, what rights were violated, by not printing an extraordinary number of the document proposed to be printed?

This was indeed a novel doctrine, and a mode of violating rights he did not understand. He had resisted at the last session the printing of petitions on this subject, in whatever shape they might be presented. But in this case, as the rights of the petitioners were involved, he would consent to depart from the rule then acted on by him. He would take this occasion to say that he believed now, as he had ever believed, that the discussion of this question here, so far from being beneficial to those whose rights were involved, was imminently detrimental to them.

The Senate were told that the subject was agitating in different parts of the country at this time. He thought that it was but the other day that the Legislature of New York, when some petitions were presented on a subject having relation to this question, met them with the most decided rebuke. In conclusion, he would again assert that there was no agitation in the halls of Congress on the subject, and he could not see the slightest necessity for taking the course proposed.

Mr. CALHOUN remarked that it was of very great importance that the petitioners should be protected in their rights; should be heard here. He did not mean to agitate (as the gentleman from North Carolina seemed to suppose he did) the question of abolition. But what he intended to say was, that those whose interests were deeply affected by the agitation of this question had a right to demand to be heard, at least as much so as those who sent their petitions here, and who had nothing to lose. He, (Mr. C.,) in speaking of the respectable gentlemen who composed the grand jury, had said nothing more concerning them than was due to them and their rights.

Mr. BROWN said he had made no reference to the grand jury; but merely alluded to those who were discussing the subject here.

Mr. CALHOUN repelled the insinuation thrown out by the Senators from New Jersey and North Carolina, in regard to his creating an excitement on the subject. He denied that he had said any thing to produce excitement. He did not wish to see any agitation, nor would he be the means of causing it. But with respect to the people of the District of Columbia, when their rights were affected, they were compelled to look to Congress for protection. And when they deemed it proper to send a petition here, he would say, that if no one else present

chose to hear it, he would. As to the people of the States, they could be heard by their own Legislatures; and if they were not able to protect themselves, they would not receive protection from any quarter.

Mr. KENT made a few remarks, bearing testimony to the respectful language of the memorialists.

Mr. LINN said he would be pleased to know whether any practical benefits were likely to grow out of circulating, by order of the Senate, copies of the document now proposed to be printed. What, he asked, was the proper remedy for the evil of which the people of the District of Columbia complained, and concerning which they had directed the attention of Congress? Was their property in danger? Were the laws insufficient to protect their slaves? If so, let us then march directly up to the subject, and enact such as will afford ample security. For measures of a practical nature, he would give his vote with great pleasure. He said he was well aware that questions of this kind came up here, and incidentally impressed persons at a distance with the idea that Congress wished to deprive them of the right to be heard here, and of the right to petition. Nothing, in his opinion, was more erroneous. Refuse to receive and hear an abolition petition, and you render the abolitionists a thousand times more active and industrious in propagating their doctrines, and more successful in enlisting the sympathies in their favor of those who believed in the inherent right of the people to assemble and petition for a redress of grievances. He never had voted, nor never would vote, for the printing and disseminating an abolition memorial; so likewise he would not lend his aid for the printing of this document in favor of slavery.

On the great question of slavery, the constitution and laws would find ample support in the good sense of the great body of the American people. He gave it as his opinion, that to insure tranquillity was to let this exciting topic alone.

Mr. WALL would say a few words, by way of explanation. He was for treating all petitioners with proper respect, and regarding their petitions in accordance with the motives and intentions which seemed to have originated them. But he did not rate all petitioners on the same footing with these, as the Senator from South Carolina seemed to suppose. I conceive (said Mr. W.) we stand here in relation to the people of the United States as having duties on our part to perform, and they having rights which they may insist upon. And one of their rights, unquestionably, is the right to petition; and when their petition is received, our duty commences. We are to exercise our judgment, to examine and deliberate as to the manner in which we shall dispose of that petition. Now, whenever those persons who are called abolitionists seek to interfere with the subject, I would receive their petition; and then their rights end, and my duties begin. I would examine that petition, and if, in my judgment, in the exercise of my legislative duty, it became necessary that I should not further act on that petition, and that it should be laid on the table, I would have no hesitation in doing so. And I maintain that, in doing so, they would have no right to complain.

When I stated that I was in favor of printing this petition, I drew the broad line of distinction between what I would concede to those who consider their rights are attacked, and those who conceive they are acting under the impulse of high and general feelings of philanthropy. I would accord to both something, on account of the motives actuating them. I would give them equal credit for good and honest purposes. But when I am asked to vote for printing an extra number of the petition, although connected, as it is, with men of respectability, I am called to look at my duty, and at the consequences that will result from printing these copies. Whether or not it is to provoke controversy, to produce agitation, and put in danger the property they would take care of, I believe it is not to the interest of the petitioners that there should be any more copies printed than the usual number.

I am perfectly willing that the ordinary number should be ordered; and I hope that the gentleman will not insist on his motion. I trust that no improper motives will be attributed to these petitioners, nor to any other persons who may petition Congress. But, in my humble judgment, the printing of an extra number can produce no salutary effect to the petitioners themselves, and no good to the community. It will not promote the peace and happiness of the Union. It will produce controversy and disputation on this floor and in the other House. And if we are to give circulation to sentiments expressed by these petitioners, can we, with a proper sense of justice, withhold from those who choose to utter their sentiments on the other side of the question the same privilege? I would, then, ask gentlemen to look at the consequences which may result from being gratified in the application to print an extra number of copies. It is my deliberate opinion they ought not to be printed.

Mr. MORRIS renewed his motion for the yeas and nays; which were ordered.

And the question was then taken on printing the usual number of copies: Yeas 34, nays 5.

PUBLIC LANDS.

The Senate then proceeded to the order of the day; which was the consideration of Mr. WALKER's land bill.

Mr. MORRIS made an effort to have the consideration of the bill postponed, but without success. He then went at length into a statement of his objection to the bill as reported by the Committee on Public Lands, and his reasons for preferring it in the form in which he had himself introduced it into the Senate. He compared the two, section by section; and having concluded,

Mr. EWING moved the postponement of the further consideration of the bill to Friday next.

Mr. WALKER opposed this, lest the passage of the bill might be endangered, and demanded the yeas and nays; which being taken, were: Yeas 14, nays 18.

So the Senate refused to postpone the bill.

Mr. MORRIS then offered an amendment, embracing the principle of graduation in the price of land in proportion to the time it had been offered for sale; which, after some brief discussion, was agreed to: Yeas 19, nays 18.

Mr. MORRIS proposed a further amendment, on which much desultory debate took place, and several modifications were suggested, and in part agreed to; but before any thing was decided respecting them,

The Senate, on motion of Mr. BUCHANAN, went into executive business,

And afterwards adjourned.

WEDNESDAY, JANUARY 18.

Mr. CUTHBERT, of Georgia, appeared and took his seat.

PUBLIC LANDS.

The bill to limit the sales of the public lands except to actual settlers, and in limited quantities, came up as the special order.

Mr. WALKER proposed, as no gentleman seemed ready to go on with the discussion, to postpone the further consideration of the bill until to-morrow.

Mr. CLAY expressed a wish for a postponement to a later period. He expressed his opposition to the bill throughout, and said that he would be able to demonstrate conclusively, that instead of preventing speculations in the public lands, and limiting the sales, it would

increase the sales to a great degree, and operate as an encouragement to speculation.

Mr. EWING, of Ohio, after a few remarks, moved to postpone the bill until Monday.

Mr. WALKER objected to the postponement to so late a day as Monday, on the ground that, this being a short session, it would endanger the passage of the bill. He wished the bill to be taken up to-morrow, and for the discussion to go on while gentlemen were preparing their amendments. He knew that it could not be passed without considerable discussion; and, therefore, the sooner that discussion commenced, the better the chance the bill would have of being brought to a final decision before the close of the session. If a postponement should be ordered, he hoped that it would not be to a later day than Friday next.

Mr. KING, of Alabama, did not wish to prevent any gentleman from having a fair opportunity of expressing his opinions on the subject, and was willing to allow a reasonable time to make the bill as perfect in its details as possible. With regard to what had fallen from the Senator from Kentucky, [Mr. CLAY,] he presumed that it was not his intention to throw any unnecessary impediment in the way of passing this bill. It was not to its details, but to the great principle of it, that the Senator objected; and he would take the occasion to say that it would puzzle that gentleman's ingenuity to show (as he had said he could do) that there were provisions in the bill that would lead to more speculation than was practised under the present system of conducting land sales. No matter what measure should be devised, it was more than any man could do to prevent speculation altogether. But the friends of the bill believed that much could be done towards limiting its extent, and therefore were anxious to give their plan a fair trial.

Now, as to disposing of the bill, he would prefer that the Senate should go on with it to-morrow, and gentlemen could, in the mean time, prepare such amendments as they might wish to offer. He would now repeat, what he had said when he arose, that he was willing to give a reasonable time for the discussion; but beyond the time he had mentioned he was not disposed to go. He hoped the Senator from Mississippi [Mr. WALKER] would consider it his duty to the Senate and to the country to take up the bill as early as possible, and then gentlemen would have an opportunity of discussing the subject.

The question was then taken, and the further consideration of the bill was postponed till Friday next.

FRENCH AND NEAPOLITAN INDEMNITIES.

Mr. WRIGHT, chairman of the Committee on Finance, moved that the Senate proceed to consider the bill to anticipate the payment of the indemnities stipulated in the treaties with France and the Two Sicilies.

After some opposition, the motion was agreed to, and the bill taken up.

Mr. WRIGHT proceeded to explain the grounds of the bill. Under our treaty with France, there remained due to this Government two of the instalments of the indemnities stipulated by that treaty to be paid to our citizens for spoliations on their commerce during the reign of Napoleon. One of these would fall due on the 2d of February, 1837, and would be realized in the May following. A second would fall due on the 2d of February, 1838, and would be realized in May of that year. Assuming the whole indemnity at five millions, the amount of these two instalments would be one million and two thirds. The indemnity stipulated in our treaty with the Two Sicilies was payable in nine instalments; three of which have been already paid, and six remain still due. They were payable annually on the 8th of June, and would, in regular course, be realized by this Government some months after. The amount of these six instalments was $1,123,000. All these indemnities, both the French and the Neapolitan, stood at four per cent. The result, therefore, of the present bill would be the payment to our own citizens of about $2,800,000, and placing that sum at an interest of four per cent. until, by the gradual payment of the instalments, the whole should return into the Treasury. One half of that paid under the French treaty would be reimbursed in May next; and one sixth of that payable under the Neapolitan treaty would come back into the Treasury in the fall of the present year. The provisions of the bill were simple, and needed, as he presumed, no farther explanation.

Mr. CLAY. I am opposed to this bill, and I should be glad if I could engage the attention of the Senate to the reasons on which that opposition is founded. I am against the bill partly on financial and partly on constitutional grounds. As a measure of finance, what is it? It proposes to take the public money, and lend it to the claimants under the French and Neapolitan treaties at an interest of four per cent., and to guaranty the ultimate payment of the whole amount stipulated by both treaties. Now, as a question of finance, is the Government of the United States justifiable in loaning out the public money to individuals at four per cent. at a moment when the Legislatures of several of the States have augmented the rate of interest to six and seven per cent., and the rate of money in the market is, in fact, not less than from ten to twenty per cent.? Such an arrangement seems to me extremely injudicious. When we look at the state of the Treasury, I ask, can we do it? The Secretary of the Treasury says that there will be a deficit on the 1st of next January, so great as to render it necessary to recall a part of the sums deposited with the respective States under the act of the last session. Suppose that necessity should arise, and, in consequence of the expenditures of the Government, and of this advance of nearly two millions of dollars, it should become indispensable to recall a part of the money deposited with the States, in what condition should we find ourselves? These States are now using the money at an advantage of from six to ten per cent., and you will recall it out of their hands, to lend it to private citizens at an interest of four per cent. Would this be wise?

But I have other and higher objections to this measure. What is it, in point of fact? Is it not a loan by the Government of the United States to certain claimants, or their assigns, of the amount of two instalments under the treaty with France, and of six instalments under the treaty with the Neapolitan Government? Is not that the substance of the bill? Now, I ask, have we a right to make such a loan? If we have, I should like to see that part of the constitution under which the right is claimed. I understand that the action of this Government in regard to claims of her citizens on a foreign Government is a mere agency. We get for A, B, and C, the amount of their individual claims on a foreign Government, so far as we can do it consistently with the general interest of the whole country, first to be secured in our negotiations with that Government. But here, in order to secure these private claims, we are to guaranty the fulfilment of treaties by two independent foreign Governments. I say that we have no right to advance the public money on the face of these treaties, more than we have to loan it in any other case. Suppose the Barings or the Rothschilds had created a debt to our citizens to the amount of these two millions, might you advance the money? On what principle are you to guaranty these treaties? What security is there provided in this bill for the repayment of this money by the claimants who receive it, in the event of revolutions subverting the Governments of France or Naples, and thereby causing the treaties

to remain unfulfilled? What right have we to grant to individuals this large premium? Is it not a positive grant of the whole difference between four per cent. and the value of that money in their hands, be that ten or be it twenty per cent.? Some part of these indemnities are not to be paid for five years to come; even that from France is not to be received till two years hence. Do you not then, in substance, grant to particular individuals for five years to come this difference between four per cent. and the interest the money may command in market, or for purposes of speculation, on the whole amount of their respective claims? On what ground, either of the constitution or of expediency, will you make these gratuitous donations? I hope that when the Senate shall consider the bearings of this bill, either as a financial measure, or in its aspect toward the constitution, or even as a mere question of expediency, they will not concur with the chairman of the Finance Committee in the measure he has proposed. True, it will bring some relief to the claimants, and, through them, to the commercial community. But we have no right to pass any such law. A grant, out and out, of five millions of dollars to the merchants of New York, or of Philadelphia, would no doubt be of great assistance to them, and to the whole communities of those cities. But what right have we to make such a grant? The principle is now to be established that the Government of the United States, being an agent for claimants who have demands on foreign Governments, as soon as a treaty shall be established, is to advance the amount of the claims therein provided for out of the public Treasury, and the people of the United States are to lose the difference of interest which may accrue, and this Government is to endorse the engagements entered into by all those with whom we make treaties. I hope no such precedent will be established. These claimants had all justice done them in the efforts of this Government for thirty years to get these treaties ratified. All justice was done them in the treaties themselves, as well in that with France as in that with Naples. Their claims have been secured, and now they should be content to wait, and receive their money as other creditors do. The Government of the United States should not be required to interpose in advance the public money at four per cent. to a few favored individuals, to whom it is worth six, ten, and fifteen per cent.

Mr. WRIGHT. This bill has been placed before the Senate for consideration, and I am entirely unaware of any thing like personal or party feeling on the part of any of those who have had an agency in preparing it. The committee believed that this money was in the Treasury, and that it would remain there at least during all the time which would be requisite to complete the indemnities under the French treaty, (which constitute the heaviest amount,) and it certainly never did occur to me that any constitutional question was involved touching the power of Congress to make this advance to our own citizens. It did and it does now appear to me a simple, proper, and advantageous mode of investing the money, if it is in the Treasury. The investment will be made on the credit of these two Governments. If it is not made, the money will remain in those banks where it is placed by law. If you invest it as proposed by this bill, it will draw an interest of four per cent.; if it remains in the deposite banks, it will produce but two per cent. So much for the financial view of the matter. And I would, very respectfully, suggest whether it will not come to precisely the same thing, as to the constitution, whether the money is disposed of in the one way or in the other. If it is not constitutional to place it in the hands of claimants at four per cent. it is not constitutional to place it in the hands of the banks at two per cent. If the one is a loan, so is the other; and, financially, four per cent. is better than two. It remains for the body to say whether this will not be a discreet use of the money which is in our hands, and which is not so much wanted for any public use as that this application of it will disturb the community. On the first day of this month there were five millions in the Treasury. I had supposed that there could be no question, whatever our legislation might ordinarily be, that there would be money enough to answer the appropriations we shall make, and to enable us to make this advance also. Half the amount of the French balance comes back in May, and one sixth of that under the Neapolitan treaty will be reimbursed in the fall. We have often been told that this is a time of peculiar pressure in our commercial cities; and to whom is this money due? To merchants; every dollar of it, so far as it goes, will tend directly to relieve the embarrassments of the money market. If, then, the effect of this bill will be thus beneficial, and if it conflicts with no principle, and if relief at those points most pressed is relief to the whole country, it does seem to me that the bill ought to pass, and it shall have my support.

Mr. CALHOUN. I have been forcibly struck with the remarkable contrasts daily exhibited before us, in the language of gentlemen of the majority. How long is it since a member [Mr. BENTON] rose, and, after doling out to us a long list about standing appropriations, informed the Senate that by the distribution bill of last session the Treasury had been deprived of the means of providing for them; and that his brain was laboring daily and nightly to discover other means to meet these necessary expenditures of the Government. Now, the chairman of that very committee (both Senators being with the administration) rises in his place and tells us there will be a surplus of means. I am glad to hear it. If the one opinion had any weight with us, I hope the other will have at least as much. But how are we to explain these things? One day we are told we have an overflowing Treasury, and something must be done to reduce the surplus; the second day we hear from a member of the same Finance Committee that there is no money to meet the public appropriations; a third day arrives, and behold the Treasury is full again. The honorable member says he never heard there was any constitutional difficulty in a measure like that now proposed. I certainly have heard constitutional objections to loans, again and again. The question involves a right to give away the public money. This very loan would be a positive gratuity, in the existing state of the money market. Money is worth two and three per cent. a month, and here you are going to pass a bill loaning it to certain individuals at four per cent. a year. The difference is a pure gift. Have we a right to make such a gift? If we have, let the Senator show it. But, he says, if we do not make this disposition of the money, we shall place it in bank, and get but two per cent. for it; but then, I ask, what right have we to put it in bank? We have none to put it there as a loan, but for safe keeping only. I object to this bill *in toto*. It is a new extension of power, and Heaven knows power has been carried far enough already. We are now to commence the loaning of money at low interest. Establish the practice, and will not Government have the power of selecting A and B, to whom these loans are to be made? Can a more tremendous power be thought of? I understand the motive of the Senator from New York very well. He is opposed to the distribution bill, and he is ready to resort to every shift to avoid returning the surplus in the Treasury to the pockets of the people. That is his object; but I appeal to that overwhelming majority who last year voted for the distribution bill, whether they will sustain him in it. The Senator is unwilling that the money shall go back to the people, and he resorts to this as a means of effecting his object. I am glad the Senator from Kentucky made a constitutional

point, and I hope the Senate will pause before it gives its sanction to a measure of this character.

Mr. BENTON said he rose to give the Senate some information; and it should be drawn from a source to which Senators in the opposition would not object. Mr. B. then proceeded to quote at length the official returns of loans made by the Bank of the United States, amounting to $20,337,236, in one year, distributed into classes according to the length of time for which the money was loaned, and then observed that the four per cent. which would be paid by these claimants to the Government was as much as the Bank of the United States charged to its great borrowers, whilst small borrowers were left to deal with middle men, to whom they had to pay two and three per cent. a month.

Mr. CLAY. I concur with the Senator from New York in believing that there are no party considerations involved in this measure, but that it will be examined upon its own merits alone. It cannot be forgotten that, at the last session, the measure contained in this bill formed a part of the scheme of the Senator from New York. All surpluses, instead of being placed in the deposite banks, were to be invested in stocks and domestic securities, but the plan was put down by a large and decisive vote; now it is revived; and under what circumstances? Has the gentleman shown that the revenue will be sufficient to meet the wants of the year, and to cover this advance also? The Secretary of the Treasury tells us the very reverse. He tells us that there is a high probability that it will be necessary to recall a portion of the deposites made with the respective States. Under these circumstances, so entirely different from those of last session, he proposes to us to make this gratuitous advance of two millions of dollars. I have said that it is in substance a loan; and how did the Senator from New York answer me? By saying, that if you loan now, you have done the same heretofore. I call for the constitutional provision which authorizes such an act. But, even in a financial view, I deny his position. He says that you now loan at two per cent., and that this loan will bring you four. But, in the first place, it is no loan to the deposite banks. We place the public money in those banks for safe keeping only—they get the benefit of the use of the money—and you ask of them an allowance of two per cent. But granting it to be a loan, still it is better than that now proposed. Is it not better to loan your money at two per cent., when you have power to recall it at pleasure, than to make an investment of it at four per cent. for five and six years, where it is beyond your control? While it is in the deposite banks it is ours—we can employ it instantaneously; but if we pass this bill, the money is tied up—we shall not get it for five or six years—and, in the mean time, we lie under a guarantee for the whole amount. If the honorable chairman—I beg his pardon, I had almost called him the Chancellor of the Exchequer—I mean the chairman of the Committee on Finance, knows that he has got a surplus in the Treasury, I can suggest to him other modes of employing it, much better than in anticipating the indemnities under these treaties. There are stocks in the States, and bonds bearing five per cent., which are to be purchased at par. If his object is financial, why not invest in these? These are objects which lie within our own country; and should the Government lose the money, it would not be lost to the country. But here, if a foreign Government shall fail to reimburse the amount we advanced to our own citizens, the loss falls on the country at large. But it is impossible to get over the objection that it is a loan or purchase of securities, and in either view there is nothing in the constitution which will justify it.

As to the relief of the community, if they want to relieve the community, let them repeal the Treasury order. I am glad to learn that there is a bill reported by the Committee on Public Lands, which has that object in view. Let the administration cease to make these ruthless attacks upon the currency, and the country will get a little quiet. But as to the relief by this bill, what is it? There are two or three hundred claimants in the city of New York, Boston, and our other commercial cities; and your relief is to advance them what they claim, and take an assignment of these two treaties to secure the reimbursement of your money. But, I repeat it, if you want to relieve the pressure of the community, without any regard to the constitution, open your Treasury, give to Philadelphia, New York, Boston, and Baltimore, two millions apiece. That would relieve them. Supposing we had certain claimants, A, B, and C, having demands upon a foreign Government, and they should prefer a memorial here, asking for a loan of the public money equal to the amount of their claim, would you grant it? Would you lend the money on any security, even the best security of a domestic kind? If not, then I ask, how are you going to anticipate these payments? I think the bill involves a most important principle. If the precedent shall once be established of thus loaning the public money to individuals, no human being can foresee where it will go to. I hope this bill will meet the fate now which it did at the last session.

Mr. WRIGHT. I will explain as far as I am able the grounds of this bill, and then, having discharged my duty, I shall be content to wait the result. But now let me correct a few of what I conceive to be erroneous impressions on the part of both the Senators who have opposed the bill. I understood the Senator from Kentucky [Mr. CLAY] to throw out in the haste of debate an argument which implied that this bill proposed an advance of two millions of dollars to two foreign Governments, and that if the money should be lost, the benefit would accrue to those Governments alone. I had no such purpose, nor does the bill contain any such provision. It proposes to advance this money, not to foreign Governments, but to our own citizens; and if the money should be eventually lost, it is our own citizens who will get it; so, if the public money should be invested in State stocks, and through any contingency should be lost to the Government, still the money would not go out of the country, but would remain in the hands of our own citizens. I cannot consent for one moment that an impression should go abroad that this bill proposes to advance money to a foreign Government. The advance is to be made to our own merchants; to American citizens; to as worthy members of the community as are any where to be found; and to men whose enterprises are as beneficial to the Treasury as those of any other class in the country. I know of no description of citizens who are to be preferred to them.

As to the constitutional question, I only repeat what I before said, that if any constitutional objection lies against advancing this money to the claimants, it lies equally against putting it in the hands of the deposite banks. It is as much a loan in the one case as in the other; and unless gentlemen shall attempt to distinguish the cases, I rest content in that position, and think that the considerations of expediency are decidedly in favor of the law. The Senator says that the public money is placed in the deposite banks only for the purpose of safe keeping. Admit it; and will any gentleman get up in his place and say that the credit of the French Government is not as good a security as the credit of the deposite banks? If he thinks so, I do not. I believe that the security is as perfect as any that we can have. But it is said that the operation of this measure will be bad. Sir, with certain gentlemen it is utterly impossible for me but in one way to devise any measures whose operation will be good. Last session I proposed to invest the public money in

these very securities which have been referred to by the Senator from Kentucky, and he strenuously opposed it.

[Mr. CLAY here rose to explain. He had said that it would be a better investment of this money to place it in State securities, than to loan it to these claimants, but he had not said that either disposition of it would be a good one.]

I understood the Senator; he was only amusing himself by proposing another measure which he did not approve, that he might with the more severity denounce that proposed in the bill. The Senator from South Carolina [Mr. CALHOUN] says that I am consistent at least. I certainly have endeavored to be so at all times; in this particular case I return the compliment. The object of that Senator is clear and manifest, and he is consistent in pursuing it by every means in his power. But, surely, if it had been my object to accumulate a surplus in the deposite banks, I should have endeavored to keep the money there, and not let it go out for any purpose; but such is not my desire. My course in respect to the deposite bill of last session has been repeatedly stated on this floor, and let me say that on that subject I acted as I thought right. I have complained of no one who differed from me in opinion, and most of my friends, as well as those who are usually in opposition to me, did think differently on that point. I regretted it then, and still do regret it. Yet, far be it from me to say that the wisest course has not been adopted. Sure, however, I am, that many then voted for the distribution of the surplus, who would never desire to see such a measure repeated, and who would gladly avoid accumulating a surplus for the gratification of distributing it among the States. Such are decidedly my own feelings, and such will be my course on that subject.

The Senator from South Carolina thought proper to remark, on a statement made here in reference to outstanding appropriations, in a manner which would lead a stranger to suppose that the statement had been mine. It was not mine, but was made by the Senator from Missouri, [Mr. BENTON.] I did not understand that Senator to contend that if no further appropriations should now be made, there would be a deficit in the Treasury. His argument was this: that in reducing the revenue we must refer to appropriations already outstanding, and which, on the 1st of January of the present year, the Treasury had not the means to meet; and that, therefore, we could not reduce the revenue so far nor so rapidly as might otherwise be done, and as it was proposed by some to do.

I am told that I have made a choice admission, and the Senator hopes that it may have great weight with the Senate. Let us see what this important admission amounts to, and what it is that the Secretary of the Treasury said. He said that, as far as he had the means to calculate, if the appropriations should be made in the manner he expected, the revenue of the current year would be consumed, and, in addition to it, two millions out of the five which ought to be left in the Treasury; and that, consequently, there would be left there but three millions. I have not undertaken to impeach this statement, nor have I pronounced any opinion in confirmation of it. These are the opinions of the fiscal officers of the Government; and if they are correct they show that there would be more money in the banks than it is proposed by this bill to advance; then it must be remembered that near half the money will return into the Treasury this year, so that at the end of the year you will have but half this advance outstanding. If that be the admission of a dangerous surplus, the Senator is welcome to the entire benefit of it. I knew that gentlemen would differ about this bill, and that some might differ about its principles, but I have heard nothing to create any difficulty with me. I say that this advance could be made without any injury or interruption to the fiscal affairs of the Government; that the money will be as safe on the security of these treaties, as if in the hands of the deposite banks; that it will bring us double the interest, and that it will go so far toward relieving the country from the existing pecuniary pressure, and that the relief will be applied precisely at the points where it is most needed.

Mr. CALHOUN addressed the Senate in reply. The Senator says that this advance of money will be no more a loan than if the money is retained in the deposite banks; and that, if there is any constitutional objection against the one, it applies equally to the other. If that argument is good, it only shows that the entire scheme of keeping the public money in the deposite banks is itself unconstitutional. The Senator professes, I believe, to be a strict constructionist, and the Senator from North Carolina [Mr. STRANGE] has told us that there is no spirit in the constitution, but that its words themselves, and they alone, must declare its meaning. Now, I call upon the Senator from New York to show, in the words of the constitution, any authority for making such an application of the public money; and I again submit whether it is a fair argument in favor of such a measure to plead the remote analogy of the deposite banks. No, sir. The constitutional argument remains unanswered; it is not, and it cannot be, answered.

The Senator from New York says that, as I have complimented him on being consistent, he will return the compliment; and admit that, in this case, I am equally so; and I understood him to go farther, and to intimate that I am in favor of accumulating a surplus in the Treasury. Sir, the Senator dare not assert such a position. I have indeed seen an assertion of that character in a dirty sheet published in the city from which the Senator comes; but I never yet heard such a palpable falsehood uttered on this floor. If the Senator attributes that design to me, he asserts that which is not, and never was, true. From the very beginning I have been opposed to the policy. The Chief Magistrate, who is the object of adoration to that Senator, in the draught of an inaugural address, had a paragraph recommending the permanent investment of surpluses as they might accumulate in the Treasury; but the paragraph was (in part, through my exertions) subsequently stricken out. The Senator knows, and the Senate will all recollect, that, in introducing the deposite bill at the commencement of this session, I distinctly stated that I proposed it only as an alternative measure; that I greatly preferred a reduction of the revenue; but was very apprehensive that no such reduction could be effected. Such has been my constant course. I hope to have an occasion before long of entering on this whole subject, when I shall have an opportunity to show who have, and who have not, been consistent. I shall then show the part which has been played by some prominent individuals, and shall be able to demonstrate my own consistency as clearly as the noonday sun. I claim to be consistent through my whole political course.

But the Senator from New York undertakes to explain for the Senator from Missouri. I rather think, however, that the latter will not accept, or thank him for, the explanation. Who does not remember his declaration, that there were fourteen millions of appropriations still unprovided, and that his head was occupied day and night in trying to find out the means of meeting them? Sir, I again call upon Senators on all sides of the House to stop and pause; to remember that this is pre-eminently a country of precedents; that our legislation is to a great extent influenced and guided by the legislation of those who have preceded us. We are now to commence the practice of loaning the public money to individuals. There will be a large surplus in the Treasury, and ample means will be afforded to carry out such a system to

any extent. Who does not see the immense power which this will place in the hands of the administration? Who does not perceive the control which may thus be exerted over elections, when the favorites of the Government can obtain, at the rate of four per cent. a year, large sums of money which they can instantly loan at two per cent. a month? It will enable the Government thus to bestow a perfect gratuity on those who serve it; and this, forsooth, is a measure advocated and brought forward by gentlemen who profess to be strict constructionists, and who tell us that there is no spirit in the constitution.

Mr. WRIGHT rejoined. I had no idea, in the few remarks I made, of exciting the feeling which has now been manifested; nor had I any conception how my own feelings could possibly be disturbed in a discussion on this bill. As to what I said in reference to the gentleman from South Carolina, I am not answerable for any supposed case which that gentleman may be pleased to put. And I here say to him, in the best temper, that, when standing in my place, and performing my public duty on this floor, I do not think of what I "dare," or what I "dare not," assert; it is not my habit to indulge in feelings of that kind. I endeavor to treat all subjects of legislation cooly, fairly, and dispassionately; such has been my course, and such I intend it shall be.

Mr. CALHOUN explained. He had understood the Senator, when complimenting his consistency, as laying emphasis on the words "in this particular case;" and he had understood the Senator as almost asserting, in terms, that Mr. C. was in favor of accumulating a surplus for distribution, for which assertion there was not the slightest shadow of ground.

Mr. BUCHANAN said he had presented a petition from several of his constituents in favor of this measure, and, approving the object of it, he should make some remarks in its support. He found it the easiest thing in the world to raise a storm in this body. He had supposed when this bill was taken up it would be almost impossible that it should excite feelings in any quarter.

He thought the less they talked about consistency here the better. He did not think it any credit to a man to prove himself consistent in the manner which seems to be required; for then, if he had begun wrong, he must remain so all his life, in order to reach the proper standard. If gentlemen would recur to past measures, they could perhaps all prove each other to be inconsistent; but, at the same time, it was disagreeable to notice it, and of no benefit whatever to the argument. We ought to grow wise by experience; and if our opinions should differ now upon any subject from what they were twenty years ago, no one had a right therefore to charge us injuriously with inconsistency.

Mr. B. said he should not vote for this bill, if he thought it would interfere in the least with the deposite bill of the last session. He had voted for that bill as a choice of evils; he was entirely satisfied with that vote, though his case had been very singular, for he had been denounced at home as an enemy of the deposite bill, and censured as its friend on the other side. He had undertaken to support it as a choice of evils; and he had ever continued to support it, both on this floor and elsewhere.

He would never vote for this bill, if he felt any doubt of its being constitutional; and if the contrary should be proved to him, he would vote against it. The constitution authorized Congress to impose and collect taxes. If, from any cause, there should be ten or fifteen millions in the Treasury beyond the demand for purposes of the Government, what would you do with it? Must it remain locked up there useless, or rather destructive to the community? Could there be a doubt of the constitutional power of the Government to act like any other proprietor, and make this money productive? Mr. B. was opposed at the last session to the investment of the surplus in the State stocks. If he could see no distinction between that case and this, he would vote against this bill. But he thought there was a distinction. In this case the Government was originally bound to assert the claims of citizens of the United States on the Governments of France and Naples. These claims the Government had asserted, and had secured their payment by treaties; and now, on every principle of public law and faith, we had become a self-constituted guarantee for the full execution of these treaties. We were bound to see them osberved; our faith was pledged for that purpose; and it would be our duty to compel the payment of the money by force, if no other means should be found adequate. The citizens of the United States had now a perfect right against these foreign Governments, and this Government is bound to see it carried into effect. Whilst he made this observation, he entertained no doubt but what the instalments would be punctually paid by these nations. What was now to be done? The money was in the Treasury, and great benefit would be derived from its circulation, both to our commercial cities and to the people generally.

As to the danger of such a precedent, it amounted only to this: that if ever the Government of the United States should again be in such a situation as not to know what to do with its means, and such treaties should again exist as the present between us and other Governments, we might again advance such amounts to the claimants. This was the whole force of the precedent; and he did not believe that a similar case would be likely to occur in our day. On the question of our ability to make this investment, without touching the deposite act, Mr. B. had no doubt whatever.

Mr. DAVIS. This bill was up in substance last year. I do not know by what argument gentlemen will justify their vote in its favor, for, I believe, they voted last year the other way. I do not, however, bring this as any reproach; for provided a man votes right, it is better to be inconsistent than still to remain in the wrong. I only intend to justify the vote I shall give now. I am at a loss to see how the question as to the surplus in the Treasury has much to do with the matter. The Government of France confiscates American property—the property, not of this Government, but of private citizens. The Government of the United States (because there is no other mode of calling a foreign nation to account for its actions) made a demand on France for indemnity. The Government, in such a case, makes the application merely because private citizens cannot make it—it acts for them. Well, we made a treaty, and by that treaty France agreed to pay the indemnity we demanded; and it has in part been paid. Whose is this money? It has been spoken of in this debate as if it was money of the United States; but it is no such thing; it is received indeed at the United States Treasury, but not a dollar of it belongs to the Government. The Government holds it only as an agent, as a trustee for the claimants, who are very many. The same remarks apply to the claimants against the Neapolitan Government. That Government has in like manner admitted our demand, and entered into a treaty to pay it by instalments. The Government receives the money, and it is their business to see that it is duly paid to the claimants. That is the whole history of the matter; and what does it prove? It proves that the United States have no interest in this money or control over it, and have no right to dispose of it. We are not acting on this money, for we have no right to touch it; but the question is whether you will, before these instalments fall due, advance the amount of them, distribute it among the claimants, and trust to the Governments of France and Naples to reimburse the money. Now, I ask, what difference is there in assuming

the payment of these indemnities and any other debts in the community? Why not go to the bank and buy up their paper, or go any where else you please and purchase up what you believe to be good debts? What is the difference? But that is not the only difficulty. When you have paid out this money from the Treasury, what security have you that it will ever come back again? You have the promise of France and Naples. True; but suppose they refuse to pay the money, where do you stand? Have you any indemnity from these claimants? Are they bound to reimburse the money? Not at all. You must get the amount from France and Naples, or you do not get it at all. How often have Governments sunk, and all their engagements utterly failed?

But now let me put this matter in a little different shape. Suppose the chairman of the Finance Committee had introduced a bill proposing to guaranty the fulfilment of these two treaties, would not every Senator have asked, why shall we endorse the promises of the Governments of France and of Naples? And I still ask, why? Have we any interest in these payments? Did we act for ourselves in obtaining these promises? Not at all. We only negotiated for others; and we hold the money merely as trustees. Why shall we guaranty? We have fulfilled all our duty in obtaining the treaty. Why are we, in addition to this, to guaranty its stipulation? I ask whether any one vote could have been obtained for the naked proposition of guarantying these payments? I think not one.

This seems to be the whole case. I thought so last year, and I think so now. Perhaps my own constituents are as largely interested in this matter as those of any other gentleman. And I should certainly be most happy to see them realize their money and get their debts paid. But I do not feel authorized to vote for this bill. It seems to me to be an act wholly uncalled for. It has no connexion whatever with the money in the Treasury; it is not the money of the United States, and there is no need that this Government should assume the risk.

Without discussing the constitutional question, I shall be satisfied to vote against the bill.

Mr. CALHOUN demanded the yeas and nays; and they were ordered by the Senate.

Mr. BUCHANAN would say but one word in reply. He observed that the Senator from Massachusetts [Mr. DAVIS] had been looking over the journal; and Mr. B. would now say that he did not vote against this bill at the last session, though, if it had come up, he should have done so, because he would have been unwilling thus to diminish the dividends of the surplus among the States. His vote then was only against considering the bill. Had he then voted against the bill itself, gentlemen might now produce the journal, and show his inconsistent votes upon its face; and yet it is manifest that this would prove any thing but inconsistency. It would prove nothing more than that he had preferred depositing the amount covered by this bill with the several States, to advancing it to the French and Neapolitan claimants. Circumstances had since entirely changed; and thus many other apparent inconsistencies might be reconciled in the same manner.

Mr. DAVIS said he did not consider the vote of the Senator from Pennsylvania then, as of any importance at all at the present time. He had laid no stress upon it.

Mr. BAYARD made a few remarks in opposition to the bill.

Mr. WRIGHT. If the Senator from Delaware [Mr. BAYARD] understood me as intimating that this was a mere financial expedient to get rid of the surplus in the Treasury, he was wholly mistaken. As to the argument of the Senator from Massachusetts, [Mr. DAVIS,] his difficulty is, that we shall guaranty the Governments of France and Naples. And he asks, with his usual clearness and force, whether, if this were a mere proposition to guaranty the engagements of those two Governments, any Senator would vote for it. He thinks not, and thence infers that they ought not to vote for this bill. I will put a case to the honorable Senator. Suppose he held a claim for two millions of dollars against the Government of the United States; he wants the money; he brings me the evidence of his claim, and asks me to endorse the promise of the Government of the United States; I decline to do so; he then says, if you will endorse you shall have the money at two per cent., and the Government will allow you four. Now, though I might refuse to guaranty without a remuneration, yet, if I gain two per cent. by the transaction, I might then be willing to endorse.

Mr. DAVIS. That is precisely my objection to this bill. It is a mere mercantile business transaction, and I think it does not become this Government to be a purchaser and dealer in stocks.

The question was now put on ordering the bill to its third reading, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Benton, Buchanan, Dana, Fulton, Grundy, Hubbard, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Tallmadge, Tipton, Walker, Wall, Wright—19.

NAYS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Hendricks, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Strange, Swift, Tomlinson, White—22.

So the bill was rejected.

After the consideration of executive business,

The Senate adjourned.

THURSDAY, JANUARY 19.

Hon. THOMAS CLAYTON, Senator elect from the State of Delaware, appeared, was qualified, and took his seat.

TEXAS.

The following message was received from the President of the United States, through ANDREW JACKSON, jr., his private secretary:

To the Senate of the United States:

In compliance with the resolution of the Senate dated the 16th instant, I transmit a copy and a translation of a letter addressed to me on the 4th of July last, by the President of the Mexican Republic, and a copy of my reply to the same on the 4th of September. No other communication on the subject of the resolution referred to has been made to the Executive by any other foreign Government, or by any person claiming to act in behalf of Mexico. ANDREW JACKSON.

WASHINGTON, *January* 18, 1837.

[TRANSLATION.]

The President of the Mexican Republic to the President of the United States.

COLUMBIA, (IN TEXAS,) *July* 4, 1836.

MUCH ESTEEMED SIR: In fulfilment of the duties which patriotism and honor impose upon a public man, I came to this country at the head of six thousand Mexicans. The chances of war, made inevitable by circumstances, reduced me to the condition of a prisoner, in which I still remain, as you may have already learned. The disposition evinced by General Samuel Houston, the commander-in-chief of the Texian army, and by his successor, General Thomas J. Rusk, for the termination of the war, the decision of the President and cabinet of Texas in favor of a proper compromise between the contending parties, and my own conviction, produced the conventions of which I send you copies enclosed, and the

orders given by me to General Filisola, my second in command, to retire from the river Brassos, where he was posted, to the other side of the river Bravo del Norte.

As there was no doubt that General Filisola would religiously comply, as far as concerned himself, the President and cabinet agreed that I should set off for Mexico, in order to fulfil the other engagements; and, with that intent, I embarked on board the schooner Invincible, which was to carry me to the port of Vera Cruz. Unfortunately, however, some indiscreet persons raised a mob, which obliged the authorities to have me landed by force, and brought back into strict captivity. This incident has prevented me from going to Mexico, where I should otherwise have arrived early in last month; and, in consequence of it, the Government of that country, doubtless ignorant of what has occurred, has withdrawn the command of the array from General Filisola, and has ordered his successor, General Urrea, to continue its operations. In obedience to which order, that general is, according to the latest accounts, already at the river Nueces. In vain have some reflecting and worthy men endeavored to demonstrate the necessity of moderation, and of my going to Mexico, according to the convention; but the excitement of the public mind has increased with the return of the Mexican army to Texas. Such is the state of things here at present. The continuation of the war, and of its disasters, is therefore inevitable, unless the voice of reason be heard, in proper time, from the mouth of some powerful individual. It appears to me that you, sir, have it in your power to perform this good office, by interfering in favor of the execution of the said convention, which shall be strictly fulfilled on my part. When I offered to treat with this Government, I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting this country, which I did not possess four months ago. I have too much zeal for the interests of my country to wish for any thing which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death, rather than consent to any compromise, if Mexico could thereby have obtained the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation: that conviction alone determined me sincerely to agree to what has been stipulated; and, in the same spirit, I make to you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part; afford me the satisfaction of avoiding approaching evils, and of contributing to that good which my heart advises. Let us enter into negotiations by which the friendship between your nation and the Mexican may be strengthened, both being amicably engaged in giving being and stability to a people who are desirous of appearing in the political world; and who, under the protection of the two nations, will attain its object within a few years.

The Mexicans are magnanimous, when treated with consideration. I will clearly set before them the proper and humane reasons which require noble and frank conduct on their part, and I doubt not that they will act thus as soon as they have been convinced.

By what I have here submitted, you will see the sentiments which animate me; and with which I remain your most humble and obedient servant,

ANTONIO LOPEZ DE SANTA ANNA.

To his Excellency General ANDREW JACKSON,
President of the United States of America.

The President of the United States to the President of the Mexican Republic.

HERMITAGE, *September* 4, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th of July last, which has been forwarded to me by General Samuel Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texian frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated, is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico, in her domestic as well as her foreign relations.

The Government of the United States is ever anxious to cultivate peace and friendship with all nations. But it proceeds on the principle that all nations have the right to alter, amend, or change, their own Government, as the sovereign power, the people, may direct. In this respect, it never interferes with the policy of other Powers, nor can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations, or remove the causes of misunderstanding, is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

In reference, however, to the agreemeent which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden, by the character of the communications made to us through the Mexican minister, from considering it. That Government has notified us that, as long as you are a prisoner, no act of yours will be regarded as binding by the Mexican authorities. Under these circumstances, it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted, as forming the basis of our intercourse with all foreign Powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war, and in substituting in their stead the blessings of peace, is a divine privilege. Every Government, and the people of all countries, should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other, and their interest in the general principles which apply to them all as members of the common family of man.

Your letter, and that of General Houston, commander-in-chief of the Texian army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the mean time, I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another compaign is undertaken, and can add to the number of those scenes of bloodshed which have already marked the progress of their contest, and have given so much pain to their Christian friends throughout the world.

This is sent under cover to General Houston, who will give it a safe conveyance to you.

I am, very respectfully, your obedient servant,

ANDREW JACKSON.

To Gen. ANTONIO LOPEZ DE SANTA ANNA.

The message and documents having been read,

Mr. PRESTON rose and said it would strike the Senate at once that since the date of the letter written by

Santa Anna, his situation had been very much changed. On the 4th of July last he was a prisoner in the hands of the Texians, but had been subsequently released, and was now in the city of Washington. According to the terms and purport of the correspondence, it would appear that it was carried on whilst Santa Anna was a prisoner. The President of the United States, aware of that fact, had expressed himself as being unable, in consequence, to enter into any negotiation with him while so situated. But now, as he (Mr. P.) had just stated, Santa Anna was in this city, and could negotiate on the subject up to April next; but whether he would or would not, he (Mr. P.) could not say; nor was it very material to the purpose Mr. P. had in hand. There was a resolution in relation to Texas offered a few days ago by the honorable Senator from Mississippi, and which had been made the order of the day for to-day; what disposition he wished to make of it he was not aware. It was a matter for the gentleman's discretion. The correspondence which had been laid before the Senate, however, would not, in his (Mr. P's) opinion, render it necessary to change the language of the resolution. Concurring, as he did, with that resolution, he would now say that he was prepared to establish the fact, that upon the recognised principles of national law, the practice of this Government, and the policy of the country, she ought, as was her duty, to make a prompt, speedy, and absolute recognition of the independence of Texas. He hoped, at the proper time, to be able to prove this. He insisted that her independence should be immediately acknowledged, and that, too, without any regard to what might be said or done by Santa Anna, for his authority had ceased in Texas forever. After having heard read the present and the other message of the President in relation to this subject, it was not his desire that any thing should be done here in reference to it, that would have the effect of contravening, running counter to, or obstructing, any purpose of the Executive of the United States.

He (Mr. P.) had understood that the President, when he sent his former message, had submitted this matter to Congress for their consideration, being willing to carry into effect what they might deem right and proper; but there were, at that time, some difficulties in the way, which prevented his recommending the adoption of any legislation on the subject. It seemed to him (said Mr. P.) that had the President of the United States not been aware of the fact that another expedition under General Bravo was about to invade Texas, he would not have hesitated to recommend to Congress to do something in reference to settling the war between Texas and Mexico.

Mr. P. adverted to the circumstances connected with the failure of the expedition under General Bravo, and then concluded with saying that all he desired was that Congress should proceed as early as possible to discuss the question of immediately acknowledging the independence of Texas. She was entitled to it; she had a right to demand it of the United States, and the sooner it was granted the better. He would await the action of the honorable Senator from Massachusetts, [Mr. DAVIS,] as well as the consideration of the resolution of the Senator from Mississippi, when he would have something further to say on the subject.

Mr. WALKER, without intending to enter into any discussion at this time, wished to state some information he possessed previous to the Senate acting on it, because he considered the question of the recognition of the independence of Texas as having no connexion with any thing that General Santa Anna might now do. He considered the claim of Texas to be founded as well on the settled policy of this Government, as on the laws of nations, and that it ought to be decided on its own merits. It would be recollected that the President, in his message, shortly after the commencement of the session, placed the condition of the recognition of the independence of Texas on the success or failure of the expedition then set on foot by Mexico, and which was about entering the Texian territory. One of the alternatives contemplated by the President had taken place; so that, according to the views clearly expressed in his message, there was now no longer cause for delaying to acknowledge the independence of Texas.

Mr. W. here read a letter addressed by him to a highly respectable individual lately arrived from Vera Cruz, whose name he said it would be improper to make public, though the letter was at the service of any of the members of the Senate who desired to see it, making inquiries respecting the contemplated invasion of Texas, with the gentleman's reply. From this letter it appeared that the idea of subjugating Texas was not entertained by any intelligent man in Mexico; that the invading army was broken up, the small remnant of it being without provisions or supplies of any kind, and that the Mexican General Bravo had resigned his command in consequence of not having been furnished by his Government with the means of opening the campaign. The gentleman further gives it as his opinion that the campaign never will open, as it is as much as Mexico can do to keep the discontented portion of her own citizens quiet, several insurrections having broken out which were suppressed not without difficulty.

Mr. W. continued, that the President, in the message alluded to, distinctly asserted that he considered that the recognition of the independence of Texas depended on the success or failure of the threatened invasion. Now, said Mr. W., the invading army being broken up and dispersed, and its commander having resigned, it would be perfectly obvious that the recognition of the independence of Texas would be in accordance with the views of the President, thus clearly expressed. He would say nothing further now, than to repeat the hope, that whatever was done by this Government might be done unconnected with General Santa Anna in any way whatever.

Mr. CALHOUN said he had always entertained the opinion that the people of Texas could never live under the Mexican Government in peace and happiness. He had thought, too, that it was our duty, at the earliest period practicable, to recognise the independence of Texas. He felt certain, from the events which had occurred in that country, that unless a speedy stop was put to what was going on there, the Rio del Norte would not be made the boundary of Texas. She would shake the Mexican empire to its very centre, if the controversy existing between her and Mexico should not instantly cease. He was ready to acknowledge her independence; and the sooner that was done the better.

The message and documents were then laid on the table, and ordered to be printed.

The Senate then took up several private bills, which were considered as in Committee of the whole, and ordered to a third reading; when

The Senate adjourned.

FRIDAY, JANUARY 20.

The bills which were yesterday considered as in Committee of the Whole, and ordered to a third reading, were to-day read a third time, and passed. Among them, the bill to authorize the relinquishment of the 16th sections for the use of schools, and the entry of other lands in lieu thereof, in quarter sections, and in any part of the respective States, was passed by the following vote—the yeas and nays having been ordered on the call of Mr. EWING, of Ohio:

YEAS—Messrs. Benton, Black, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Moore, Morris, Nicholas, Niles, Rives, Robinson, Sevier, Tallmadge, Tipton, Walker, White, Wright—24.

NAYS—Messrs. Brown, Calhoun, Clay, Clayton, Ewing of Ohio, Knight, Prentiss, Preston, Robbins, Ruggles, Strange, Swift—12.

Mr. EWING moved to take up the bill designating and limiting the funds receivable by the United States; which motion, after a brief discussion, was decided in the negative.

THE PUBLIC LANDS.

On motion of Mr. WALKER, the previous orders were postponed, and the Senate proceeded to the further consideration of the bill prohibiting the sales of the public lands except to actual settlers, and in limited quantities. The question being on a motion of Mr. CLAY to reconsider Mr. MORRIS's amendment, requiring that land which had been ten years in the market should be sold at 75 cents; less than ten, and more than five years, at $1; and all other lands at $1 25 per acre—

Mr. CLAY said he had two reasons for moving this reconsideration. One was the avowed embarrassment under which it had placed several gentlemen. The other related to himself, being under a mistake as to the import of the amendment.

The motion to reconsider was carried in the affirmative: Ayes 19, noes 14.

Mr. MORRIS's amendment being now before the Senate,

Mr. CLAY called for the yeas and nays on the question; which were ordered.

Mr. MORRIS, on the suggestion of Mr. BENTON, added to his amendment the proviso, that no person should enter more than a quarter section at a reduced price.

The question was then taken on the amendment of Mr. MORRIS, and decided as follows:

YEAS—Messrs. Benton, Black, Clayton, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Rives, Robinson, Sevier, Tipton, Walker, White—18.

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay, Crittenden, Dana, Ewing of Ohio, Hubbard, Kent, Niles, Page, Prentiss, Preston, Robbins, Strange, Swift, Tallmadge, Tomlinson, Wright—19.

So the amendment to the amendment, or substitute, was lost.

Mr. WALKER observed that a very important principle had been stricken from the bill, and moved that it be recommitted to the Committee on the Public Lands.

Mr. GRUNDY said he did not see why this should be done. The bill, by the failure of the amendment, was left in the same form as when it came from the committee.

Mr. WALKER said he foresaw that the bill, in its present form, would fail; and he thought it of the utmost importance that some such measure should be carried, for the purpose of reducing the public revenue; and he regarded such a measure as the only one which could be adopted to prevent the accumulation of a dangerous surplus.

Mr. KING, of Alabama, opposed the recommitment. If the graduating principle should not be introduced, he hoped his friends would not reject the bill on that account. He hoped the Senate would go on with the bill.

Mr. EWING was in favor of the recommitment. The bill in its present form would not only not stop fleas, but camels would go through it. Mr. E. had thought of a project which he believed would effect the objects in view. He would endeavor to prepare it by Monday, and hoped for the opportunity of presenting it.

Mr. MOORE spoke in favor of recommitting, and expressed the hope that some such measure would be adopted as was proposed by the original bill, (of Mr. MORRIS.)

Mr. BENTON asked Mr. EWING to point out the places in the bill where a camel could go through. He intimated that the design was to delay the bill. For himself, he wished to proceed with the bill, and obtain all he could get.

Mr. EWING, of Ohio, said it would give him much pleasure to point out those places on Monday.

Mr. WALKER's motion having been withdrawn, or suspended, he moved to alter the amount of land cultivated by a settler, by making it one tenth, instead of one eighth, of the whole; which motion prevailed.

Mr. CLAY made some inquiries as to the bearing of the bill on such lands as might be used for grazing, and not for cultivation.

Mr. WALKER replied that a provision in the bill which authorized an entry of the land, after a residence of three years, was designed to supply this apparent deficiency.

Mr. WALKER moved to amend the bill by requiring one year's residence instead of three.

Mr. GRUNDY objected to this motion. It would serve to defeat one of the great objects of the bill; for if one year only should be required, it would become a business to procure portions of the public land successively, by means of one year's residence on each. He was, however, willing to vote for two years.

Mr. TIPTON declared himself opposed to the form of this bill, and in favor of the original one by Mr. MORRIS. If the graduating principle which had been lost should not be embraced, several States would derive no benefit from the bill. If be could not get that principle, he should go to defeat the bill.

Messrs. MOORE and SEVIER also declared their determination to do so; the latter urging, at some length, the passage of a proper bill on this subject.

After some further remarks by Messrs. WALKER, NILES, BLACK, and MORRIS, the action on the bill was suspended by consent, and several bills from the House were read twice and referred.

The Senate then adjourned.

SATURDAY, JANUARY 21.

WILLIAM B. LLOYD.

After reading the journal,

Mr. MORRIS rose and said that he begged the indulgence of the Senate to make a short statement respecting an article which had appeared in one of the city papers this morning. It might be considered by gentlemen as partaking more of a private than a public nature, and one with which he ought not to trouble the Senate; and could he consider the paragraph as intended, or even bearing on its face a mere private individual allusion to himself, he would not thus publicly notice it; but it went further; it was a comment, in severe terms, to say the least, on his conduct as a Senator, and that, too, by a citizen of his own State; and, as such, it required of him an explanation. The charge is (said Mr. M.) that he had neglected the just rights of one of his fellow-citizens, and refused, as his representative, to present his memorial to the Senate, and thus had treated him with disrespect. It is due, then, (said Mr. M.,) to the citizens of the State, it is due to myself, that this publication should not pass without notice. It will be found in the Intelligencer of this morning, in the following words. [Here Mr. M. read the communication referred to.]

It is true, sir, (said Mr. M.,) that, on yesterday morning, after the time for the presentation of petitions and

memorials had elapsed, and the Chair had called for reports of standing committees, one of the young gentlemen who attend the Senate came to his seat and handed him a paper, which he found to be a memorial, and which he believed was correctly published in the Intelligencer of this morning; and with the memorial he also received a note, of which the following is a copy:

"DEAR SIR: As a friend, I ask you to present the accompanying memorial to the Senate. As one of your constituents, I demand it.

"Yours, with the highest respect,

"WM. B. LLOYD.

"If you do not present it, please return it immediately to me in the Sergeant's room. W. B. L."

Mr. M. said that, on reading the note, he wrote at the bottom the following words:

"SENATE CHAMBER.

"SIR: Your memorial was handed me after the time in which memorials can be received on this day had elapsed. I return it: am willing to see and converse with you on the subject. What your rights are I am not prepared at this moment to determine.

"THOS. MORRIS."

He said that after he had endorsed the name on the note, it occurred to him as proper to keep the paper and send back the memorial only. He immediately sought an interview with the person who sent the memorial, with an intention of handing it back himself; and for this purpose he went to both doors of the Senate chamber, but was unable to meet with him at either. He returned to his seat; and soon after one of the young men came to him and informed him the gentleman was in the antechamber. He then handed the young man the paper, to return it to the author. He said, had time been afforded him for examination of the memorial, he might or might not have presented it, as justice and propriety should seem to require. He acknowledged that it was not only his duty, but a pleasure, when requested so to do, to present memorials or petitions on all or any subjects within the power or control of the Senate, and which were in proper language, not only for the citizens of Ohio, but also from citizens residing in any part of the United States. Whether the memorial in question was or was not of that character, the hasty manner with which he perused it did not enable him to determine, nor did he wish to be understood as expressing any opinion on that point; and while he considered the note of the gentleman as containing some biting sarcasms, of which he did not complain, it also contained a kind of left-handed compliment for the humble part which he took in the transaction to which the memorial referred. What transpired then is well known, and need not be repeated. As to the part he took, and the observations he made, they had been correctly, or at least substantially, reported in the National Intelligencer. The impression made on his mind at the time the proceedings respecting the memorialist took place, he probably could not, nor did he wish to make an attempt to describe.

He said he was hastily led to make the remarks he did, because he thought the proceedings of the Senate, with regard to the individuals who created the disturbance in the gallery, were wrong; but whether right or wrong, not himself, but aftertime, must determine; for himself, he said he had as yet seen no cause to change his opinions as expressed at the time; and he would further state that, while the proceedings in the Senate were going on, after the person was arrested, he was entirely ignorant who he was, or of what State he was a citizen. Near the close, and but a minute or two before the Senate adjourned, he was informed by some gentlemen that the person was from Ohio; he inquired his name, and was told it was Lloyd; he then had a recollection of having seen him some days before, and had understood from Mr. Lloyd that his business in the city was to endeavor to obtain the passage of an act of Congress making an appropriation to improve the harbor at Cleveland, by the erection of a sea wall. He said his efforts, be they what they may, were not made in defence of a friend, or in opposition to an enemy; he should have made the same efforts had he known the individual to have been both a personal and political opponent; he merely intended to discharge his duty as a Senator, in sustaining what he believed to be the rights of an American citizen. Sir, (said Mr. M.,) I think I understand this publication; it is intended to go to the State in which I live, and I have troubled the Senate with this explanation, that it may immediately follow, and that my conduct, in this particular, may be correctly understood. He said, so far as in him lay, no citizen of Ohio, or of any other State, should have it in his power to misrepresent his course in the Senate. He said the peremptory language contained in the gentleman's note he considered as the mere effect of excitement, and, as such, could readily be excused; he said it was but human nature to do and say things in excited moments which we would gladly alter or amend on future reflection; he said he had no idea that the language used was intended as any personal disrespect to himself; when he read the note, he thought it would be better to see and converse with the person as to the propriety of the course to be pursued; but he denied that he had, in this case, been either negligent or unmindful of his duty; at least, he had the approval of his own judgment, and should under like circumstances pursue a like course. It was very strange, indeed, that Mr. Lloyd should complain, when his instruction was to return him the memorial immediately, if it was not presented; and it is still more strange when, in his publication, he says that he might procure the presentation of it through other members of the body who were his friends; and the very reason he assigns for not applying to some one of them, is a reason why he ought so to have applied. There is no doubt he can obtain the presentation of his memorial through some member of the Senate, if he yet desires it, or if he ever did desire it. Should he fail to make a further request, the citizens of our own State will be able to draw correct conclusions.

Mr. BENTON said Mr. M. was correct in regard to every thing on which he had offered an explanation. That Senator had said it was not his fault that the arrest was made, and that the person arrested was brought to the bar of the Senate. Mr. B. now wished to show that it was not his own fault that the memorial was not presented, referred, and considered. He had been aware that a consultation was going on, and that some movement was intended; and, without the least reference to the terms of the memorial which he supposed would be presented, he resolved that, so far as he was concerned, it should have its full force. He had therefore drawn up a motion, which he intended to make whenever the memorial should be presented, that the memorial should be sent to the Judiciary Committee, with power to send for witnesses, and to report to the Senate the proper course of proceeding; and that the expenses should be paid from the contingent fund of the Senate. This motion he had shown to various Senators; and his friends had been kind enough to say that it should be done. If any gentleman would do him the favor to present the memorial, he would vote for its reference. He hoped there would thus be an occasion of giving to the public, in an authentic form, the details of the outrage. He asked for the presentation of the memorial.

[Here the subject ended.]

FOREIGN EMIGRANTS.

Mr. CLAY presented the petition of sundry inhabitants of Wirtsborough, Sullivan county, New York, and, as it was not long, he asked that it might be read.

The document was accordingly read, and proved to be a kind of remonstrance, on the subject of Roman Catholic emigrants to the country, brought in under the auspices of Popes, Cardinals, Bishops, &c. It insisted on the impropriety and inexpediency of allowing so many persons to enter the country whose practice and tenets were avowedly and directly hostile to our republican institutions, and especially prayed Congress to institute commissions, in various parts of the country, to procure information and report on the subject.

Mr. CLAY said some of the objects prayed for this Government had no power to grant, however alarming to these good and religious people the evils complained of and the progress of papacy might be. But there was one object which Mr. C. thought might be a proper subject of inquiry, being within the power of Congress; and that was a change in our laws of naturalization. He therefore moved that the memorial be referred to the Judiciary Committee; and it was so referred.

THE TREASURY CIRCULAR.

Mr. WALKER, from the Committee on the Public Lands, to whom the motion of Mr. BENTON for an inquiry into the conduct of the deposite banks, &c. was referred, moved that the above committee be discharged from the further consideration of said motion, and that it be referred to the Committee on Finance.

Mr. BENTON said he thought it a grand joke that three or four days after a bill had been brought in by the Committee on the Public Lands, on the subject with which his motion was connected, after the occasion for which that motion was presented had entirely gone by, the gentleman should now propose to have the examination proposed by the motion, and by another committee. He thought the Land Committee ought to have acted on the motion, or turned over the whole subject to another committee.

Mr. WALKER said that, inasmuch as the Committee on the Public Lands had been arraigned before the Senate by the mover of that resolution, ["motion,"] he hoped he would be pardoned for giving the reasons for discharging the Committee on the Public Lands. That resolution was not transmitted to the committee till some time after the committee had commenced considering the subject of the Treasury order; or, at least, it had not come simultaneously with the Treasury order to the committee. It was, moreover, the opinion of the committee, that if they proceeded to act on the matter of the resolution, [Mr. BENTON's,] there could be no action by Congress this session, on the subject of the Treasury order; and it was the desire of every member of the committee that such action should be had. It would have consumed the time of the committee for months, and it would even have been necessary to carry the required examination into the recess of Congress.

Mr. W. said that, although he had assented to the reference of the subject of the Treasury order to the Committee on the Public Lands, he had done so with the utmost reluctance.

Mr. BENTON said the subject of the Treasury order was referred to the Land Committee late on the evening of the 11th inst., and his resolution was sent to that committee as early as it could be on the morning of the 12th. That resolution had also been laid on the table at the very commencement of the proceedings on the Treasury order, so that every one might see it. But if there was not then time to carry that resolution into effect, why, at this late day, was it proposed to refer it to another committee, and to a committee, too, of which Mr. B. was a member? How would this thing tell in the newspapers, that the gentleman who moved to make these inquiries should proceed to make them himself?

Mr. KING, of Alabama, said this resolution passed without attracting his attention, or else he would have opposed its passage. If it was intended to impede the action of the committee, it would have done so effectually. And if there was a real intention of obtaining the information called for, it could not be obtained during the session. He could see no practical good to result from its reference now to the Finance Committee. He therefore called for a division of the question, and that the motion for a simple discharge should first be tried. The gentleman might then make such disposition as he thought proper of his resolution.

Mr. EWING said the subject of the resolution properly and exclusively belonged to the Finance Committee. He also had known nothing of the resolution since it was first laid on the table till this morning. He thought it better to divide the question, and leave the resolution in the hands of the mover.

The question was then taken on discharging the committee, and carried in the affirmative.

Mr. BENTON said he would here state to the whole Senate that he desired his resolution to be referred to the committee of which he was a member. It was accordingly referred to the Finance Committee.

PUBLIC LANDS.

The Senate then proceeded to the special order of the day, which was the land bill, as amended by the Committee on the Public Lands.

The question being on so amending the bill as to require a residence by the settler of but one year to get a title to his land, it was negatived: Yeas 12, nays 23.

Mr. GRUNDY then proposed to substitute a residence of two years. The motion was supported by Messrs. WALKER, KING of Alabama, LINN, and TIPTON, and opposed by Mr. EWING, as being wholly inefficient to the object proposed. Mr. E. stated that he had a different proposition to offer, which, as he supposed, would secure the object of confining the sale of public lands to actual settlers, and which he sent to the table to be printed. The printing was ordered; but the question being, in the mean while, taken on the amendment proposed by Mr. GRUNDY, it was carried: Yeas 27, nays 11.

Mr. BENTON gave notice of an amendment he should hereafter offer; which was ordered to be printed.

Mr. WALKER, from the Land Committee, proposed sundry minor amendments, not touching the general principle of the bill. The whole of the various amendments were directed to be imbodied, and printed all together, in their order; when the further consideration of the bill was made the order of the day for Monday next.

After transacting some other business,

The Senate adjourned.

MONDAY, JANUARY 23.

PUBLIC LANDS.

After going through the usual morning business,

The Senate proceeded to the special order of the day, which was the bill to confine the sale of the public land to actual settlers only.

Mr. WALKER, chairman of the Committee on the Public Lands, who has charge of the bill, expressed his approbation of an amendment offered on Saturday by Mr. EWING, and which provides that land entered, and forfeited, by non-residence, under the bill, might be entered by others who shall prove the fact of such non-residence by the first occupant, and proposed to modify it by a provision that, when two or more persons should so

claim the forfeited land, who inhabit the same quarter section, the preference shall be given to the first occupant; and that none of the others should get "floats," (i. e. pre-emption rights, to be located on any land not entered elsewhere.)

In consequence of some objections to the term "float," as unknown to the law and undefined, he agreed to waive the latter clause entirely, as being, in substance, provided for in other parts of the bill. The residue of his amendment to the amendment proposed by Mr. EWING was then agreed to.

Mr. W. also proposed several other verbal amendments; which were agreed to.

Mr. TIPTON then moved an amendment, introducing the principle of graduation, and providing that land remaining unsold for ten years should be sold for one dollar an acre; and if remaining for fifteen years, at seventy-five cents the acre, with a proviso that not more than 160 acres be sold to any one man; on which he asked the yeas and nays, and they were ordered by the Senate.

Mr. EWING, thinking this a fit opportunity to go into the general principles of the bill, and the subject of the public lands generally, addressed the Senate in a speech which, with his consent, was interrupted by a motion for adjournment. The motion, having been suspended for some previous motions for the printing of documents, prevailed.

The Senate then adjourned.

TUESDAY, JANUARY 24.

MARINE CORPS.

Mr. PRESTON offered the following resolution; which was, by consent, adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the construction of the act of the 30th June, 1834, regulating the pay of the marine corps, by the Fourth Auditor, and into the propriety of any further legislation thereon.

Mr. PRESTON, when offering this resolution, remarked that he understood the design of the above-named act was to put the pay of the marine corps on the same footing with that of the infantry of the army. The construction of the Fourth Auditor had made it lower, contrary, he thought, to the design of Congress.

Mr. BUCHANAN (Mr. PRESTON having referred to him) said he had already given notice that he wished to introduce a bill to remedy the construction of the Fourth Auditor, and he was prevented from introducing it only by information that the Naval Committee of the other House had reported a bill on the subject. He was, however, gratified that Mr. P. had turned his attention to the subject.

PUBLIC LANDS.

The Senate then took up the bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities.

The question pending was on Mr. TIPTON's amendment, offered yesterday, to the first section of the bill, "that all lands that have been in the market ten years, and remain unsold, shall be sold for seventy-five cents an acre; and all that have five years, shall be disposed of at one dollar; provided that not more than one hundred and sixty acres be sold to one purchaser.

Mr. EWING concluded his remarks, as given entire in succeeding pages.

Mr. E. addressed the Senate as follows:

Mr. President: As it is my purpose to examine this subject with some care and exactness, and, as far as in my power, show it to the Senate in its true colors and proportions, I find it necessary, in the outset, to spend a few moments in clearing it of some of the rubbish with which it is overlaid and surrounded.

The bill now under consideration is the successor, not exactly legitimate, of one introduced by my colleague at the commencement of the session, for limiting the sales of the public land to actual settlers. That plain, unpretending proposition was what it professed to be, and nothing else; the title declared the object of the bill, and though I thought the measure impracticable, I could not but feel the justness of the motion, and the straight-forward means proposed to effect the object. That bill was referred to the Committee on Public Lands, and we have here, reported back, in its name and in its place, what is now before us; and the title is all that is left, either of the letter or spirit of the original bill. But, even this small relic of what the bill once was, if I divine aright, is destined to be obliterated and destroyed. The title is not descriptive of the contents of the bill, nor is it sufficiently magniloquent. When the bill arrives at such stage that it will be in order, we shall have a motion to amend it, and, if the motion prevail, it will become "A bill to arrest monopolies of the public lands," &c. &c. &c.; the title is long and high sounding, and is to be found at large in the journal of last year, and I will not now detain the Senate by reading it. I will, however, endeavor to show, before I sit down, what name it really merits; for I intend to discuss its provisions, not its title.

This debate has been freely interlarded with high denunciation against a class of our fellow-citizens called "speculators"—men who purchase public land either for subsequent sale, or that it may lie by, as an investment of money to raise in value, and become a resource in after life, or an outfit for their children. And I have observed, also, what is not a little remarkable, that those who denounce these "speculators" the most loudly and the most frequently, on this floor and elsewhere, are those who understand them best, and who are themselves the most deeply engaged in the vocation which they thus condemn. This is generally, perhaps universally, the case. This disinterestedness of gentlemen who condemn thus openly their own calling, and devise laws, intended, as they say, to check and put it down, reminds me of an incident in modern history worthy to be remembered.

When Lord Chancellor Bacon was convicted before Parliament for receiving presents from suitors, which bore a very strong resemblance to bribes, and was removed from office, he was the foremost in proposing and concocting measures which should thereafter effectually keep off such temptation and sin in future, and most certainly protect the purity of the bench. It reminds me, also, of a late occasion on which the gentleman from Virginia [Mr. RIVES] near me was so deeply impressed with the aristocracy of the Senate—himself certainly not the least aristocratic of its members—that he felt constrained to turn "States' evidence," or, perhaps, rather, "people's evidence," against the whole body, himself, of course, inclusive, though I believe he did not suggest any remedy for the enormity which he exposed. Now, this is all right; and it is honorable; and it is unquestionably sincere. I take no exceptions to it, but merely notice it among the passing incidents of the times.

Now, sir, I will say a few words as to this class of individuals who are so much the theme of discussion and of attack; and, that my opinion may have the more weight, I can assure the Senate that I am neither an aristocrat nor a speculator in public lands. I do not know that I have been accused here of the one or the other, but I have heard gentlemen on the other side of the House talk loudly and harshly of speculators, and those who favor speculations, while, at the same time, they made strong gestures towards the benches here. As it referred to no one in particular, I could only appropriate to myself my just distributive share of the reproach which, lessened by division, would be but small.

Yet that modicum, insignificant as it may be, I am prepared to dispose of. I therefore say, once for all, that I am wholly free from the offence of having ever purchased public land or any thing else from the General Government. And I have no sympathy, save that of general good-will to all mankind, with any who I know have so purchased. I never entered an acre of public land in my life, and do not know that I ever shall; nor do I know that any friend, or even acquaintance of mine, is engaged in these purchases. My neighbors, it is true, in whose welfare I take great interest, do sometimes raise a little spare money and go to the West and purchase a quarter or a half section of land, to settle a son who is about to arrive at the years of manhood, for which they pay the cash into the Treasury of the United States; and until gentlemen satisfy me, more fully than they have yet done, of the impropriety of the thing, I shall esteem them none the less for it, nor shall I the less assiduously advocate their interests and their rights.

But, in declaring my utter exemption from all participation, direct or indirect, in that kind of investment which is here condemned in such unmeasured terms, I do not at all admit the truth or justice of the judgment which condemns it. It is a use of money that is supposed to be unpopular, and it is no new artifice to exclaim against it, as if it were a crime, until, by force of voice and repetition, it may come to be esteemed so; and what is more to the purpose, those who are most deeply engaged in it, by being loud and vociferous in its condemnation, throw off all suspicion from themselves, and stand the pure advocates of the people's rights, and the very antagonist principle of all speculation and monopoly. But, sir, I see no objection to this mode of investing money when you have it to spare, and can make no better use of it. If it be fairly done, it is a fair, and just, and honest mode of acquiring property. The United States, by a public law, and a public proclamation, offers its land for sale at a stipulated price; an individual, who is desirous of possessing the land, goes and purchases, and pays his money. Now, why, I ask, does any one here apply to this act, or the man who does it, opprobrious epithets? Why accuse him? Why denounce him? If he had bought fifty hogsheads of sugar, or a hundred bales of cotton, he would be just as criminal, and deserve just the same opprobrium and reproach from the members of our National Legislature. Gentlemen are mistaken; these purchases and speculations, in which they and their friends are so deeply engaged, are not criminal, nor even improper in themselves. They are liable, indeed, and especially liable, to be contaminated, by fraud or force, or combinations among purchasers, and collusion with public officers; but from these they and all honorable men, as a matter of course, are free. They therefore pronounce a harsh and unjust judgment on their own acts, and I am prepared to defend them against themselves before the Senate and the nation.

[Mr. WALKER here rose to explain. If the gentleman's allusion was to any thing he had said, so far from criminating purchasers of this description, he had, in the report accompanying this bill, expressed many of the same sentiments just uttered by the Senator from Ohio. He had denounced, and ever should denounce, in the strongest terms, those speculators who attended public sales after having taken down the numbers of lots improved by actual settlers, and bid them off over their head, thus depriving them of their homes and the fruit of all their toil.]

Mr. EWING. I referred to the Senator from Mississippi who has just taken his seat, and also to others who, in both branches of Congress, habitually use the same course of remark. But I accept the explanation with pleasure, and regret that absence from the Senate prevented my hearing the Senator's principal speech on this subject, and that a pressure of business since my return has not allowed me time to read his report accompanying this bill. My remarks, so far as the Senator from Mississippi is concerned, applied to several short speeches of his on incidental questions touching the bill, which have arisen within a few days past. But I cannot concur with him in the distinction which he draws between those who purchase occupied and unoccupied lands of the United States. When all are offered in open market fairly for sale; when all who desire to bid are invited by law to become bidders, I cannot recognise the right of any individual to press forward upon a choice piece of the public land, before the sale, against law. Nor can I admit that, by so doing, he makes the lawful purchaser amenable to censure, any where, for purchasing according to law. The proposition is monstrous in itself, and it must be a diseased state of public morals that can hold it for a moment either reasonable or just. My guide on this subject is the law—those who purchase according to its letter and its spirit, and who neither break through nor evade its provisions, no matter how much or how little they may buy, and no matter who may have intruded upon the land before the purchase, I hold them in that matter blameless; and, as far as my information goes, in nearly all the cases in which occupied land is purchased the squatter is paid many times over the value of his improvements; and often permitted to remain and enjoy them.

The sales of land in large quantities to large capitalists, as a matter of public policy, is liable to some objections, though it produces good as well as evil consequences. The evil is sufficiently obvious, and being a very happy subject for popular declamation, it has been reiterated, I know not how often, already in this debate. That which occurs to me as substantial, and which we can obviate by legislation, without producing other and worse mischief, are, the entries, by an individual or company, of many small tracts, as of forty or eighty acres, in commanding points, all over the country, or what is called dotting, thereby compelling purchasers of the neighboring tracts to pay enormous prices for such choice spots; but it will be seen that this bill, so far from remedying that evil, makes it infinitely worse. No man can now enter more than two forty-acre tracts, and one of those subject to certain conditions—proximity to his farm; but if this bill becomes a law in its present shape, he may enter no less than thirty-two of those small tracts, and he may select them any where on the public lands between the northern extremity of Wisconsin and the southern cape of Florida. The entries of large tracts by great capitalists, with a view to enhance their value by great and important improvements, such as railroads, canals, harbors, cities, have produced, and are producing, the most important advantages to the districts of country in which they are situated. Look at the southern shores of Lake Erie, and the whole coast of Lake Michigan, and see the towns and cities which are rising up on their borders, under the fostering care of capital and intelligence, and you will see at once the full strength of this position. The scatterred resources of a thousand individuals, who should have purchased each his quarter section of land in the neighborhood, could not have produced such mighty results in half a century as have been brought about in a few years by the investment of accumulated capital. It has facilitated migration by the establishment of lines of steamboats between the cities on the eastern shore of the lake and those remote western points which a few years ago were a wilderness. It has opened harbors, drained swamps, built wharves, and erected warehouses, transferring the business and bustle and comfort and intelligence of an old and cultivated community into the very

heart of our remote Western forests. Fortunes, perhaps, are made or augmented by it, but it is well. The value of land is enhanced greatly all around these selected spots, but this also is well; it is a just reward of enterprise and public spirit, and it injures no one, for the broad praries of the interior are still open to the grazier, and the plains and woodlands to the farmer, at the Government price, and a nearer and more extensive market is open to him in the new and flourishing cities which arise on these choice selected spots. I am not, therefore, prepared to condemn, even as a matter of public policy, the countenance which our present laws give to this kind of investment by the capitalist. Much less am I disposed to join in the denunciation of those who, under and pursuant to our laws, adopt this mode of investing their surplus capital. Gentlemen even here are perhaps too much in the habit of addressing themselves to the lowest passions of the lowest portion of society, and, while they themselves are insatiate in their thirst for riches, speak of poverty as if it were a merit, a good thing in itself—and wealth, or even competency, as if it were a crime. I, for one, unite in nothing of this feeling or expression; if a young man shows himself industrious, enterprising, and intelligent, and bids fair to rise in the world by these qualities, I am not prepared, as a statesman, to tell him that the moment he has risen he will have lost his claim to the affections of his country and the respect and regard of its rulers. And in our country, where industry, sobriety, and prudence, will in almost all cases raise a man to competence, I do not think that mere poverty, too often the result of indolence and intemperance, is of itself sufficient to entitle the individual to our special affections and regard. In my opinion, poverty and wealth are, or ought to be, out of the question. I esteem a man none the more and none the less for being poor or rich; and in legislation I know not how we can discriminate between American citizens according to their property. And I contend, and am prepared to defend the proposition, that the man whom industry, temperance, and intellect, have enabled to acquire a competence, is as meritorious as one whom indolence, intemperance, and imprudence, have kept poor.

I therefore put out of the question all that has been said about and against capitalists and speculators. I join in the denunciation of no class of our fellow-citizens who pursue a business which the law authorizes; and I do not make, nor do I pretend to make, any efforts to put them down. But, on the other hand, I will not consent to pass any law which shall operate against the mass of the community—against the small capitalist, the farmer, the mechanic, the laborer—for the special benefit of any class of speculators, however great their power or democratic their professions; and I believe it, that many of the executive officers, some of the very highest, next to the President himself, are deeply concerned in these land speculations. It is also said, and I believe it, that some in this chamber and in the other House are also members of these large joint stock companies, which have purchased to an immense amount. I charge no one in particular, nor do I present it as a matter of charge; but I name it to caution gentlemen who are so engaged and so interested, that they do not permit their private interest, unawares to themselves, to glide in and mingle with the performance of a public trust. How can those who are so engaged, and who have so purchased to the full extent of all their available means, how can they now, as lawgivers, say to the rest of the community, you shall not purchase—the public sales shall be closed against you—and if you wish to buy, come to us; we have land to sell in abundance, and we will sell it to all who will pay for it, without discrimination, and we sell it embarrassed by no troublesome conditions? Gentlemen, it is true, could not be operated upon by motives of this kind, but it were well to avoid the appearance of evil; and as this bill will, if it become a law, have the direct effect of driving purchasers from the Government to the speculator, and as it is to continue in force about long enough to enable these large companies to make sale of the twenty millions of acres which they have now on hand, the public will attribute to them this, as one of the motives which induced the passage of the act. They will be the more inclined to think so, as this act is not, and they will see that it is not, what it is pretended to be. It is not a bill to confirm the sales of the public lands to actual settlers; and an amendment which would produce that effect, laid on the table by myself, (not offered, for I could not support any proposition which would deny to my fellow-citizens the right of purchasing lands to settle their children)—an amendment which would have produced that effect, met with the universal disapprobation of the friends of this bill. This bill, therefore, is not, and the people will see that it is not, what it purports to be; and its effect, which is the important matter, will be to raise at once some fifty or a hundred per cent. the price of the lands already in the hands of the large speculators, of whom the lawgivers, who are about to pass this bill, form a very respectable part, and whose friends in the executive Departments form another portion not less large and respectable. If this law pass, a member of one of those companies, whose profits would have been confined to one hundred thousand dollars, will pocket his two hundred thousand. For this it will be said he may very well break out in terms of patriotic indignation against speculators and capitalists, and he may overflow with sympathy for the poor man. But the churlish and ill-natured will aver that the members of the legislative and of the executive Departments, who hold the key in their hands, have fed until they were full gorged with these dainties, and then locked the closet, that no one else might break in until they were ready themselves to return and renew the feast.

I have said that the amount of land in the hands of speculators is about twenty millions of acres; this, in round numbers, is very near the quantity. In a report which I had the honor to present last year, from the Committee on Public Lands, I estimated the quantity wanted for actual occupation at eight millions of acres yearly. This was then thought too high, but time will verify its accuracy. Year before last the sales amounted to about thirteen millions of acres. This year they amounted to more than twenty millions; which, taking my estimate of what is wanted for settlement as correct, (and every one admits it is high enough,) it will leave in the hands of speculators from sixteen to twenty millions of the purchases of those two years. The whole aggregate is low enough at twenty millions. This immense investment, amounting in cash (if we include all expenses) to thirty millions of dollars, has more than exhausted all the capital that can be turned from the ordinary business of the country to this object. Those who hold public stations and command political influence, or whose friends command it, have become borrowers to an immense amount of the public money from the deposite banks; and the deposite bill of the last year cut off the sources of their supply, and compels them to pour back into the fountain from which it was drawn a portion of their borrowed treasure. This state of things tends to make this business, pushed as it has been to an unreasonable extent, a precarious if not a losing business, unless the Legislature come to the relief of these borrowers of the public money. Gentlemen may say what they please about these persons, if they will only aid them by a law such as this. If they will but encumber the conditions of the sales of public land to honest and fair pur-

chasers, so that they cannot buy of Government, but may be compelled to buy of the speculator, those who have gone farthest in proportion to their resources, and are compelled to sell, will thank you for your hard names and good gifts. And they have no reason to complain of unkindness; the Treasury order did much for them, but that cannot endure long; the public exclaim with one voice against it, and it must go down. But this bill, which better effects the same object, is to be first substituted in its stead. I see, however, by indications here, that we shall not touch the bill rescinding the Treasury circular in time for it to be taken up in the other House and passed into a law. It will not do to keep up that order to oppress the country, for the people will not endure it long. It is to be rescinded, but not by an act of Congress. We shall pass such act through this branch near the close of the session; it will be lost in the other House for want of time; and thus it will be reserved until after the 4th of March, that its final recision may be a feather in the cap of the new administration. I infer this from the fact that this bill, for which the people do not call, is pressed in advance of the bill to rescind the Treasury order. And when I moved the other day to take up that bill, I received a most significant intimation, from a gentleman whose word is law here, that I might spare my efforts, for they were useless; and it proved so—the party refused to take up the bill.

Having considered some matters which touch this bill collaterally, and which, if it pass, will really have more influence on its passage than any intrinsic merit which it possesses, I will now proceed to consider some of the provisions of the bill itself, and show how far forth it is likely to effect its professed objects. It proposes to limit the sales of the public lands to actual settlers, and that in small quantities. The requirements of the bill in that respect are, 1st, no man may enter under one of the sections of this bill more than 1,280 acres of land; but in another part of the bill he is very generously allowed 640 acres more if he want it, to eke out his farm; so he may purchase 1,920 acres; and this is what is called "small quantities." The settlement provision requires that the purchaser should reside on the land or some part of it one year, *or*—not *and*—or clear and cultivate one tenth part of it within five years. Now, the clearing, where one tenth part of the tract is open prairie land, is not a matter of much difficulty or hardship, it requires only the burning off the grass in November, and that work is done. Then the cultivation; what is that, and how is it defined? Is it the passing a harrow over the ground, and sowing tame grass seed on it? Is it running a few furrows across a tract of one or two hundred acres, and planting corn rows upon it, with the hills a hundred yards apart? It is not to be cultivated well, but merely cultivated, and the fact of cultivation to be settled by those who make the affidavit before the register and receiver, in order to perfect the title. Those, then, who live upon the spot, and who understand it, would have nothing to do but to put up a log cabin, which would cost five or ten dollars, burn the grass off of 200 acres of prairie, and run a plough or harrow a few times across, and sow or plant a little grass seed or a few hills of corn, and the condition of the law requiring "actual settlement" is complied with. The affidavit is made, and the patent obtained. This bill leaves the fact of clearing and cultivation to the sound discretion and clear conscience of the affidavit man, who is to swear to it; and if there be any other regulation or restriction, I am not advised of it. We have a Committee on Agriculture, it is true, of which my honorable friend from Kentucky near me is a member, though not of high rank, last I believe. [Mr. CLAY: "last, but not least." A laugh.] This committee, however, has not yet reported what shall amount to cultivation, and I presume it is not the purpose of the chairman of the Committee on Public Lands to refer this bill to them for their opinion. Now, my constituents who reside at a distance from the public lands, and who do not understand this mode of becoming "actual settlers" and of "clearing and cultivating land," would be unable to purchase of the Government at all, and would be driven to buy second hand of those who understood the matter better, or of the speculators who have already on hand large quantities for sale. Gentlemen who advocate this bill see in it a remedy for many great political and moral evils; among others, it is to destroy or prevent that dreadful scourge, "a surplus and distribution," for which they evince such a holy horror. This surplus was a very good thing so long as it remained in the deposite banks, and was by them lent out to those who wished to purchase public land "in limited quantities"—such, for example, as half a million of acres to a single company; but when you come to distribute, or rather deposite in the State treasuries, then it carries with it all sorts of political iniquity and corruption; it is every thing that is monstrous, no republican can bear it, and this bill is to put an end to the mischief; and this money, which, if distributed, would corrupt the whole nation, can be safely trusted with the gentlemen and their constituents, without any danger of corrupting them. Let us, say they, be the exclusive purchasers of the public land; we will not take much of it, but we want it cheap; but save us from competition! Do not permit the Ohio and Pennsylvania farmers, rough, rude fellows as they are, to come to the sales with their little wallets of cash, and bid against us—us, anti-monopolists—or enter the land that we want, while we are waiting to raise funds to secure it; withdraw all this provoking competition, pass this bill, and make it unlawful for any man living in one of the old States to come to the new to purchase Government lands, and we will let the tariff alone, we will adhere to the compromise and hold it sacred, and we will also save you from the inconvenience of a surplus and the perils of distribution. Some of these gentlemen reason with us mildly, others declaim with oratorical vehemence. Why, say they, should you collect money from the people which you do not want, merely to distribute it among them again? And when we answer that it arises out of the sale of the national domain, that we must receive or stop these sales, and when received we must preserve it in such manner as to render the most service to the whole country, they offer to relieve us of all this inconvenience by keeping the public land and the profits on it themselves; thus lightening the public burdens by possessing themselves of the public property. You have, say they, a great quantity of excellent land, which is a very great trouble to you; we and our constituents will relieve you of it at once; but do not let the people of the old States have it, or any part or lot in it; they are speculators, and they will fill your Treasury with money, which you know is a very troublesome thing. We who are not speculators, but who know how to make money by dealing in land, will take it without embarrassing you with any thing that will burden your Treasury.

These lands, which gentlemen ask, in behalf of themselves and their constituents, the exclusive privilege of purchasing at the minimum price of $1 25 per acre, are worth, by their own showing, from $5 to $40 per acre. There are yet undisposed of about one thousand millions of acres—not all of such great value, but worth, nevertheless, more than one thousand millions of dollars. Pass this bill, and follow it up, as you are certain to do if you once make the commencement, and there will be fortunes made under it, such as no crowned head in Europe can boast; Crœsus was a beggar compared with the industrious and unscrupulous speculator under this bill. Gentlemen before whose eyes these golden visions flit hate every thing they ought to

hate, to induce other gentlemen to support their favorite measure: they hate the tariff, but they will endure it; they do not like the compromise, but they will adhere to it, if this bill can be passed to ease the Treasury of its cash, and relieve the people of their burdens. The public lands—an unconstitutional surrender of the public lands—is the only thing that can reconcile or pacify them.

Pacific as I am inclined to be, and much as gentlemen have operated on the easiness of my disposition, and greatly as they have alarmed my fears, I am not yet disposed to make them this large peace-offering, until I am assured that we have the constitutional power to do it; I want to see our authority, and I would like, further, to know that we can do it and be just. This public domain is a fund placed under the guardianship of Congress by a compact prior to the constitution, and which is recognised and made obligatory by that sacred instrument. And Congress is bound, by that compact, to dispose of it bonafide for the benefit of all the States, members of this confederacy, according to their proportions of representative population. And it ought to be so, for it was bought with the common blood and common treasure of the people of all the States, old as well as new; for I acknowledge no pre-eminence in favor of the old States. Our common ancestors fought on their soil for our freedom; and they (the small remnant of them) and their descendants (now a mighty people) are spread over our whole vast territory; and wheresoever they are, they inherit the glory as well as the rights of their fathers.

These public lands, then, are to be disposed of bonafide for the common benefit of all the States. The fund, of which we are thus made the trustee, is immense—worth not less than one thousand millions of dollars: this is now admitted; though a few years ago, when the estimate of its value was made by my friend from Kentucky, [Mr. CLAY,] it was scouted by gentlemen who then wanted to get the land, not because it was overflowing our Treasury with money, but because this land was not worth surveying and selling. Gentlemen, it is true, do not now ask it as a gift, but they admit the choice tracts to be worth from $15 to $40 per acre. And they ask us to withdraw from them all competition at public and at private sales, to give pre-emptions to those who shall intrude on the land, and thus secure it to them at $1 25 per acre. They only ask us to give them from about $14 to $39 an acre on all the choice land of the United States that remains to be sold. These demands, it must be admitted, are moderate, especially when addressed to a trustee who is bound to administer the fund bonafide for the equal benefit of all who have an interest in it. The privilege, therefore, which these gentlemen ask for their constituents, or those who shall become so, is a donation, and a very large one. It is against common right, and it promotes no meritorious object whatever. Suppose it to induce emigration: is that desirable to a greater extent than is now going on? Should it be the object or is it the interest of the United States, as a whole, to induce by bounties the citizens of the old States, on or near the seacoast, to abandon their farms and their homes, and migrate to the West?

The last census shows that the older portions of the old States are in fact depopulating. From the year 1820 to 1830, Virginia, east of the Blue Ridge, lost about 100,000 of its population. The same was the case, though in a less degree, with several extensive districts in others of the old States. Now, I make no objection to this; but I do not think it a desirable state of things. It is enough for us, in the West, if we receive the natural increase of the population of the old States; and it is enough for them if their increased population finds an easy access to our fresh lands, and a cheap home when they come among us. It is not wise, nor is it necessary, to give new bounties for emigration; nor have we a right to do it. Suppose the bounty to emigrants proposed in this bill were to be paid in money out of the Treasury, and the lands were sold in fair and open market to raise the money, would any gentleman from the old States, having the least regard for the rights and interests of his own constituents, consent to it, or even entertain the proposition for a moment? I think not. And where is the difference? It is the same thing in substance and effect: the mode of bringing it about gives it a different aspect.

Having considered the general objects of the bill, both as expressed and as professed by its advocates, I will now examine some of its provisions, and endeavor to show how those objects are to be carried into effect. The bill is entitled and professes to be "A bill to limit the sales of the public lands to actual settlers;" but I have said it is in fact no such thing. I call the attention of the Senate to its provisions. Who may enter land under it? Any one—man or woman, husband or wife, or both, without any evidence of residence, or of any declaration of intent to reside upon it. All they have to do is to swear that they enter it for their own use, and not for the purpose of speculation. Here is the initiation of the title. And how much land may be entered by making this oath, and under this particular section of the bill? The husband may enter 1,240 acres, the wife 1,240, the son and daughter, over eighteen years of age, 1,240 acres each—making in all, for an ordinary family of four persons, 4,960 acres; and this may be all entered in tracts of 40 acres each, making 128 tracts that a single family, such as I have described, may enter, on this "actual settlement" principle; and these 128 tracts may be dotted over all the public lands in the United States, occupying all the most commanding positions in the country. They may take your woodland in a prairie region, your springs and brooks in a country where water is scarce, and your coal banks and quarries where fuel and stone are valuable. Having thus sworn and made the entry, and obtained the certificate, the next step to procure a title is to reside on some part of the land one year within the first five; it must not be a continuous residence, but one year in all; or, erect a dwelling-house, clear and cultivate, within the five years, one tenth part of the whole; that is to say, select in the entry somewhere one tenth part of your purchases in a dry prairie, which will burn over in October or November. This burning is a compliance with the first requisition, that "to clear." The next is "to cultivate;" and that can be done, as I have already shown, in a most compendious manner. A few bushels of grass seed, and one man, two horses and a harrow, for a month or two, are sufficient to make the "cultivation;" for it has only to be sworn to generally as "cultivation"—the mode and manner of it being in no wise designated.

The next step to be taken to procure a title is to "swear" again, or to produce the affidavits of those who will swear—swear to residence, or swear to the erection of a dwelling-house, and swear to the clearing and cultivation of the one tenth part in five years. "Our army swore terribly in Flanders," said Corporal Trim.

But the person making an entry of the public lands must swear that he enters it, not in trust for any other person, but for himself or herself only. This provision prevents the father from entering in behalf of his child, the guardian for his ward, or the trustee of a will in behalf of the widow or orphan devisees; it prevents, also, an entry in execution of a charity. All open, honest trusts, those that deserve the countenance of mankind and the favor of Government, are excluded by this bill, while every species of fraudulent and secret trust will come in and evade its provisions. A person, before he

is allowed to make the entry, must swear that he enters for himself, and not in trust for another. Now, suppose the affidavit to be wholly false, how is it ever to be proved that it is so? It is swearing to intent merely, and the intent at the time the oath is taken; and if some other person, who furnished the money to make the entry, go on in one month after, and clear and cultivate the one tenth part of it, and the patent issue at the end of one year, and the land is transferred accordingly, the capitalist has got the land, and he may go through the same process with hundreds, as far as his friends will go; and where is your evidence to convict of perjury or subornation of perjury? You clearly have none—the proof must come home to the time of making the affidavit; and doing of an act inconsistent with it afterwards would convict the party of a change of purpose, but not of perjury. And all who know the facility with which these *ex parte* affidavits are made, where much money is to be got by them, will agree with me that the fear of the law is the only restraint upon perjury in cases like this—conscience is nothing, public opinion is nothing, for all society is placed under like temptation, and public morals would, by reason of that temptation, become generally vitiated. The man who would hold out against such a state of things would be considered an enemy to his country and the interests of it, and he could reclaim his character in no way but by joining in the general plunder. If there should be a case of prosecution, and strong proof of perjury, there could seldom be a conviction, for the fountains of justice are poisoned when the public morals are thus vitiated; and there would be great danger that the registers and receivers in the several land offices would join in the fraud and share the spoils. We should hesitate long before we place before any portion of our community such a temptation to vice—such a vast amount of plunder to be obtained by fraud and crime. There is a clause several times repeated in the bill, and of course intended to be efficacious, which provides, in substance, that no legal encumbrance whatever, and no sale, or lease, or contract, as to such land, shall be, in any wise, binding, if made before a patent issues, but all such shall be absolutely null and void. Now, whatever might be the effect of this provision in the Territories, where we have a right to interfere as a local Legislature, I hold that it is wholly nugatory in the States. If an individual have title either complete or inchoate, that title is property, and, as such, is at once amenable to the local law, and must be governed and controlled by its principles. A judgment would bind the interest when the local law should declare judgments binding on imperfect titles. A contract would attach to it, and equity would enforce its obligations. A conveyance with covenants made prior to the issuing of the patent would draw to it the perfect title after the patent had issued, upon the principle either of estoppel, enurement, or relation. Gentlemen cannot, if they would, destroy the application of these principles to effect, or serve to effect, this or any other such object; and it is well that they cannot. They may provide that no patent shall issue to an assignee, for, as the vendors of property, we have a right to make what condition we please with the purchaser. But when the land lies in the States, and we sell it, we are vendors only, and we cannot accompany our sale with legal encumbrances, or immunities inconsistent with the general principles of law.

I would next call the attention of the Senate to the 4th section of the bill, which grants pre-emptions to actual settlers on the public lands; that is, it permits any one who shall have gone in advance of the surveys and sales, or even of the purchase from the Indians, and intruded upon choice parts of the public land, to prove that they have done so, and then enter the land, no matter how great may be its value, at the minimum price of one dollar and twenty-five cents per acre. I object to the principle of this section; and if the principle be adopted, I object to the language and the details, as open to the practice of the most stupendous frauds.

We have upon our statute book, yet unrepealed, an early law, punishing intruders upon the public lands. That law directs that the marshal of the district shall remove those who intrude against law on the public land, and that a fine shall be assessed upon them, on conviction in the district courts of the United States. Nor has this law become obsolete. It was recognised and its provisions extended in 1833, and it is now in full force, and as familiarly known as any other of the laws of the land. I object, therefore, in principle, to giving an important privilege, a great pecuniary advantage, to a class of individuals, merely because they have violated the laws. That statute, if it be unwise or unjust, should be repealed before any rights are permitted to accrue by intrusion on or over portions of the public lands.

But, sir, that law is a necessary and proper law—it ought to remain, and its provisions ought to be regarded and enforced. It was enacted to prevent the intrusions of the whites upon the Indian lands, and to avoid the fraud, imposition, and oppression which is the consequence of such intrusion; and, further, to prevent a possession in advance of the sales, which would encumber the lands, and operate to the injury of the purchaser. We have recently seen enough, in our own times, to satisfy us of the wisdom and foresight of our predecessors. Whence arose your Black Hawk war in the Northwest, which cost some lives and several millions of money, but from the haste of a horde of greedy speculators to possess themselves of the fine lands belonging to the Sac and Fox Indians at the Prairie du Chien? Whence your threatened Creek war? Whence your actual war in Florida, now raging, and which has cost already so many valuable lives, and which has cost and will cost more than twenty millions of treasure before it is quelled, except from the avarice, and pride, and oppression, of these intruders upon the public land and the Indian property? If the laws of the United States had been enforced, if this breach had been punished instead of being rewarded, we should have escaped all this, with its attendant train of misery to individuals and mortification to a people.

But if no evils arose from this contemplated law except those which fall on the individuals themselves who seek to take advantage of it, it would be enough to decide us at once against its policy. Those who framed it must have been aware of its tendency, and aware also that that tendency would be obvious, if the bill had, in form, the provisions which it is intended to have, and which, if it pass, it must have, in effect. The right of pre-emption is by the bill limited to those who have occupied, and does not extend in terms to those who shall hereafter occupy, the public lands. This is the form of the bill; but the effect is to give the right to all future occupants. For this measure is even now urged, on the ground that we have held out encouragement to settlers by former pre-emption laws; that, under the provisions of those laws, past settlers had been protected, and that those who entered on the public lands too late to claim protection under those laws had a right to expect that the same favor would be extended to them which was extended to their predecessors. This is the argument, and will it be less strong when urged next winter in behalf of those who shall have occupied and cultivated the public land during the summer of 1837, than it is now in favor of those who occupied during the past year? I can see no distinction. And if we pass this law now, we must pass another then, and so on in all future time. I would rather, therefore, pass at once a pre-emption law, to operate in all future time, and fairly, by law, hold out this reward to settlers

on the public land, than to continue in force, as we do, the law against such settlement, with the assurance in advance that all those who break it shall hereafter receive the reward. All the evil consequences which would flow from a prospective pre-emption law, and they are many, flow from this state of things; and in addition thereto we hold out the assurance to the people that, whatever our laws may be, if resisted, they will not be enforced.

If it become a fixed principle that the actual settler or occupant gets the land which he may select, at $1 25 per acre, then will arise contests and conflicts between individuals about the possession of favorite and valuable tracts. First, it will be a race who shall get on first to take possession; then a conflict to keep it. The first who gets on, if the tract be very valuable, is likely to be driven off by a stronger hand, with the loss, perhaps, of limb, and sometimes of life. Another yet stronger detachment drives off the second "actual settler," and they in turn have to defend their possessions against a fourth; and all apply in their order to the register and receiver, and make the necessary affidavits to obtain their titles. Cases of this kind are constantly occurring, even now. A friend of mine, in the other House, who recently travelled through Wisconsin and part of Illinois, informed me that when at Mineral Point he heard a conflict for the possession of a lead mine spoken of, not as an extraordinary but as a recent incident. Two parties who contended for the mine drove each other away, and alternately took possession four or five times, with the loss of several lives. One of the party who succeeded in keeping possession, and who had killed a young man in one of their engagements, was quietly amusing himself in a store or tavern a short time after, when a young woman addressed him, and inquired his name. He told it; and she at once drew a pistol from under her cloak, and shot him through. Private revenge in these cases seems to be the only redress for murder, as the law takes no notice of incidents so common and so unimportant.

I am told that in travelling through the fine lands in the Northwest, you will see these "actual settlements and improvements" constantly forming. If it is prairie, they merely run a furrow round it. If it is a choice piece of woodland that is to be held by improvement, they will fell trees all around it, so that the top of one will lap on to the stump of another; then the woodland is enclosed, and the party is entitled to it, as an actual settler. And perhaps it is the only spot of woods within many miles in the midst of a broad prairie, and therefore of immense value; if the woody island be very large, it becomes the subject of a kind of joint stock company, or association, who all unite to "improve it," and to secure each other in the possession of it. I find the following advertisement in a Chicago paper:

SETTLERS, ATTENTION.—Notice is hereby given, that the semi-annual meeting of the Big Woods Claim Association will meet at the house of Thomas Paxton, on the east side of the Big Woods, on Saturday, the 4th day of February next, at ten o'clock, A. M., when a general attendance is requested.

JANUARY 3. JOHN WARNE.

The particular character and purpose of these associations I will show by and by more fully. There is a false face constantly put upon this subject, not intentionally, but from a mistaken notion of the thing, by gentlemen who urge, with so much zeal and perseverance, the claims of the squatters to the lands on which they intrude. Gentlemen represent the squatters generally as poor men, seeking a freehold and a home, willing to pay for the land on which they settle, but unable to do so, because the lands are not in market, and cannot be purchased. But how is the fact? You have more than one hundred millions of acres of land, a large portion of it excellent land, constantly in market, and open to entry at $1 25 per acre; but there is not much speculation in purchasing this, and therefore these "poor men" that gentlemen speak of, seeking a home, pass it by, and go habitually to the lands that are not in market; and they will continue to do so, let you push your surveys and sales to whatever point you may.

Then the improvements by which, under this bill, the squatters are permitted to gain a right to the land. We had that subject under consideration last year, and the proof was ample that, in a vast number of cases, I should think a majority of cases, the improvement was merely colorable, for the purpose of enabling the individual to get the land, but having nothing actual or substantial about it; and this bill requires no substantial occupation or cultivation. The individual, to give him a title to his pre-emption, must have "actually occupied and cultivated the tract for six months before the 1st of December, 1836." "Actually occupied and cultivated." How occupied? Not by residing on it; for that is not necessary to make an occupation in law, much less in the opinion of the two witnesses who are to make affidavit to the occupation. He may go on the ground, mark the trees if there be any, and burn a brush-heap, and continue to go upon it once a month for the six months, claiming to occupy, and he will make out his occupancy. He must also "cultivate." This, I am told, is done by building a little pen of rails, and sowing oats or turnips or radishes upon ten or twelve square feet of ground; and thus the "actual settler" "occupies and cultivates," and becomes the meritorious recipient of your large bounty. My colleague informs me that he travelled through a part of these public lands not long since, last summer, I believe, and he saw great numbers of these little pens, with something growing in them. I did not think to ask him whether they were square or triangular, built with three rails or four.

[Mr. MORRIS. They were triangular, built with three rails.]

Mr. EWING. I should have guessed so, for the economy of labor is important, and the "actual settler" could thus save one rail for the whole height of his pen—no small matter. But, after proving this occupancy and cultivation, these actual settlers sell their claim, at an advance of some two or three hundred dollars, to large capitalists, who have their agents always at hand, ready to purchase, and they go again beyond the survey, and "actually cultivate" another pen full of something that will grow in a shade, and sell again. Thus squatting becomes a regular profession. A gentleman lately from Chicago informs me that he knew a great number of the pre-emption claimants about that place some years ago, who got their claims allowed and shortly after disappeared, he knew not where; but last summer, as he was going across the country to the Prairie du Chien, he found and recognised them as old acquaintances. They were on the fine lands upon Rock river, waiting to take advantage of the next pre-emption law. I do not say that this is the habit of all who squat upon the public land for the purpose of obtaining a pre-emption; I am aware that it is not; but it is the business of many, and most of the pre-emptions fall into and pass through the hands of those who are employed for the purpose by the large capitalist, or who go in advance of him, and cater for him.

The pre-emption laws (for we have tried them for a few years past) have already produced a most fruitful crop of fraud and perjury. From papers sent each year to the Committee on Public Lands, it appears that in many cases even the pretence of possession or cultivation was not resorted to in order to get a pre-emption or a float, which could be laid on the finest land in the

United States, the choicest and most commanding spots, and take them at $1 25 per acre. There was actually set up somewhere in Louisiana a manufactory of affidavits, in which the whole proof, with the justice's certificate, and every thing else necessary for the commencement of the title, were forged, leaving a blank for the name of the occupant and the tract of land. There is now pending a case of a French settler by the name of Baubien, who, about the year 1804, got permission to put up his hut under the guns of the United States fort at Chicago. When the pre-emption law was passed, as the United States had not sold this fort, he claimed it as a pre-emption. He was several times refused, but at last his claim was admitted by the register and receiver, and he got his certificate; his application for a patent is now pending. I understand that the land he claims on this state of his case is worth more than a million of dollars. That in order to obtain an influence, and a power by which it should be secured, he has disposed of parts of it, on very cheap terms, to men of high political standing, wherever he could find them. A valuable part of it, I am told, is now owned by members of Congress, and God knows to what point this interest and influence may at last extend; far enough, I presume, to secure the emanation of a patent. It is a subject worthy the inquiry of a committee of Congress.

These pre-emption laws have not only produced violence and bloodshed among those who strove as rivals for a choice spot; they have not only produced fraud, and perjury, and corruption, but they have taught your citizens to despise your laws, to resist by violence their due operation, and form great and extensive combinations to oppose them. It is well known by those who have attended the sales of public lands in the Northwest, that violence and intimidation are used at those sales, and in the presence of the officers of the United States, to put down competition. Men who are occupants, or pretend to be so, or who buy the privilege of coming in as an occupant, (and I am told that any one may buy that privilege of the association for five or ten dollars,) gather together in a group by the stand at the place of sale, and when a tract which they have selected is proclaimed, some one who has a good strong voice cries out, "pre-emption;" and then, wo to the man who ventures to bid for it. It is, as a matter of course, struck off at $1 25 per acre. Associations are now forming over the whole Northwestern country, the object of which appears to be, either to bind the law to the purpose of the combination, or to put down law by numbers and organization, if not by force. I hold in my hand the constitution and by-laws of one of these societies, which was forwarded me by a prominent member, accompanied by a letter, in which he seems to claim my approbation of its object. I hope it may be read.

[The Secretary here read the paper alluded to, of which the following are two of the principal articles:

"ART. 11th. *Resolved*, That before the land is offered for sale, each district shall select a bidder to stand and bid off all claims in the claimant's name, and that, if necessary, each settler will constantly attend the sale, prepared to aid each other to the full extent of our ability in obtaining every claimant's land at Government price."

"ART. 13th. *Resolved*, That we will each use our endeavors to advance the rapid settlement of the country, by inviting our friends and acquaintances to join us, under the full assurance that we shall obtain our rights, and that it is now perfectly as safe to go on improving the public lands as though we already had our titles from Government."]

This requires no comment; it is a Government established in a Government—*imperium in imperio*. It does not profess to be subordinate to the laws of the Union, but in opposition to them, and its object is to embarrass their operations and destroy their force.

I had hoped, at the last session, that we had got clear of this pre-emption system, with all its mischiefs, and all its demoralization; but a desperate effort is now made to revive it, and, if once more revived, it is fastened upon us, and forever.

When Mr. EWING had taken his seat,

Mr. TIPTON said that, as the subject of the graduation of the public lands had been frequently discussed, he should not trouble the Senate with any remarks in support of the amendment, but would content himself by requesting that the vote be taken by yeas and nays.

The yeas and nays having been ordered, and the question being about to be taken,

Mr. CLAY said he should be glad to hear some reason advanced in behalf of a proposition which went to reduce the price of all the public lands, after having been in the market at the low price of $1 25, down to $1, and then to 75 cents. What was the complaint which had been so strenuously urged in behalf of the present bill? It was, that the public domain was selling too fast, and at prices so low that persons who did not want the land to settle upon were buying it up, in vast quantities, for purposes of speculation. What would present itself as the natural remedy for such a state of things? Surely it would be either to take the land out of the market, or to increase its price; for the Senate were told, by the advocates of the bill, that the land thus bought up was worth, at once, from $5 to $30 an acre. In the name of Heaven, then, why reduce the price? Had any reason been given for it? Were our new States settling too slowly? On that question, he would call the attention of the Senate to a table he had had occasion to compile some years ago, exhibiting the ratio of settlement in the different States. The table was based on authentic returns, and it showed that, at that time, the lands in the State of Illinois were settling at the rate of 18½ per cent. per annum; so that her population, proceeding at that rate, would double itself in a little more than five years. At the same time, the State of Delaware was increasing its population at the rate of one half of one per cent.; having the cheering prospect of doubling her population in a period of two hundred years. Illinois was populating more rapidly, at that time, than others of the new States; yet the table would show that the others approached to nearly the same ratio; and he thought it would be safe to say that Missouri, Arkansas, and Michigan, were settling at a rate quite equal to it. What earthly motive, then, could there be to reduce the price of the lands? Was it to bring in more settlers? No; for these States were settling too fast already. There was great truth in what had been said on that subject by his friend from Ohio, [Mr. EWING,] who had remarked that, when vast numbers of people were suddenly collected from different quarters, and thrown into close neighborhood, having no previous connexion with each other, no common sympathies, no similarity of education, nothing homogeneous, to form a natural bond of union, the natural and necessary result must be struggles in legislation, and a loose, unsettled state of society, for a long period. It must surely be admitted by every reflecting man, that the public lands were selling quite fast enough. Yet, here was a proposition made, and from that side of the House which complained that the public domain was selling too fast, and who wanted this bill to pass in order to check the sales of it, whose effect would be to accelerate those sales at a rate that none could estimate; for, even at the present rate of $1 25, twenty-five millions of acres had been sold within the last year; and now, should the price be reduced still lower, what must the effect be, but still further to enhance the temptation to monopoly?

Mr. C. said that he had not risen to speak to the general merits of the bill, but merely to inquire on what reasons the amendment was founded.

Mr. DANA said: Mr. President, I do not arise to attack or defend the speculators on the public domain, whether they be private individuals or belong to some of the Departments. I leave the gladiatorial part of this warfare to those who have weapons for it, and have inclination and skill to use them; nor do I intend to go at length into the merits of this bill, but only express my views on the objects of it, and on some of its provisions. Its objects are threefold: first, to check the inordinate thirst of speculation, which has so generally prevailed through the country, and which first arose from the extravagant issues of the United States Bank, (furnishing ready means,) and afterwards practised in preying upon the public domain. The second object of the bill is to preserve the public lands; and the third, to reduce the revenue to the legitimate wants of the Government. By the provisions of this bill, its first and second objects will be accomplished, and the revenue will be greatly diminished. But, sir, the sales of the public lands of late have been very great, and the revenue arising from them equally so; and to stop them all at once would be neither judicious nor just. Many of the new States have vast tracts of uncultivated lands, with a sparse population. They, doubtless, are anxious to see their territory settled and cultivated. The support of their Governments, as well as their strength and defence, depend upon it. We cannot, therefore, expect that they will be willing to put a sudden and total check to the settlement of their country; nor ought we to wish it. They are willing to stop all speculations upon the public domain, and to reduce the revenue, but require that small tracts of land may still be granted to actual settlers on easy terms. Then, sir, the new States will continue to settle gradually, and with a good population, from their own increase, or from the surplus population of the older States. I know, sir, that many are averse to having their sons and daughters go into the new world. They seem to think them lost to society and to their friends; but nothing is further from the truth. They may be as useful and happy in the new as in the old States. Population is rapidly marching from the East to the West, and power is following in its train; these are facts which cannot be disguised or prevented. The great valley has heretofore, undoubtedly, been the seat of empire, and is destined to become so again. The Atlantic States will constitute but a small part of this Union; and New England will be but a speck upon our nation's map. What, then, shall be done? Shall we war against nature? Or pursue a wiser course—grant our lands, on reasonable terms, to actual settlers, who will enter upon and cultivate them, and not debar the surplus population of the old States from crossing the Alleghany, and seeking in the vast regions of the West a more fertile soil and a warmer sun? They will carry with them the enterprise, the activity, and perseverance, as well as the intelligence, the patriotism, and sound morality, of their fathers. And what have the East to fear from such a result? And better, far better, would it be for the West to have such a population, than to have their country flooded with the scum of the European population. Yes, sir, let the surplus population of the East flow to the West, and the sons of the Puritans and of Penn settle and inhabit that goodly land, and rear up a virtuous, enterprising, and intelligent race, to whom our liberties and the destiny of our republic may safely be committed. In this way, sir, the objects of this bill will be accomplished, wild speculation checked, the public domain secured, the revenue reduced, and the actual settlers and cultivators of the soil, the nerve and sinew of the country, its support in peace and its defence in war, be accommodated with settling lands only, and upon reasonable terms. But suppose, sir, after this reduction of the revenue, there should still be a surplus in the Treasury, what further is to be done? My answer is ready. Modify the tariff; reduce the duties. But, sir, we are told of the compromise. Dare you touch the compromise? I have nothing to do with the compromise. I have no faith in it. It is not an article in my creed. I do not subscribe to the doctrine, that one Legislature can, by their acts, bind subsequent Legislatures. If so, the one of 1834 could not only bind its successors for five or ten years, but for all time; and if they could bind them in regard to the tariff, they might upon every other subject—a doctrine too absurd to be spoken of. But, sir, if the modification of the tariff in 1834 was a judicious one for that time, and so continues to this, I would make but few alterations in it, unless it should become necessary, in order to reduce the revenue to the wants of the Government; because sudden and extreme legislation is always injurious, and often dangerous. In the consideration of this subject, I would pay no regard to the motives or intentions which induced the compromise; whether they were for good or for evil; whether the object then was to save the nation from ruin, or individuals from a dilemma into which their rash and headlong course had plunged them; but take up the subject, as we now find it, and reduce the duties on such and so many articles as we shall think best, in order to bring down the revenue to our wants. Prudence would seem to dictate that we should always be able to meet unexpected and unavoidable occurrences, like the Indian war which has drawn millions from our Treasury. These and similar wants we shall always be subject to. And here, Mr. President, I would remind this honorable body, that while we are legislating upon this strange, this unique subject, viz: the disposition of a surplus revenue, a subject which before never occupied the attention of any other Legislature, from the days of Adam to the present, we should not forget that the Northeastern boundary line of this nation has not been settled. While, sir, our Treasury is overflowing, without a national debt, at peace with the whole world, and our foreign relations established on the most firm and favorable basis, our territory has been invaded, our citizens despoiled of their rights, dragged from their homes, immured in foreign jails. Nor is this all: a large part of the territory of one of the States of this Union has been severed from the rest, and that constitutional protection which she has asked has been withheld. A foreign Power has not only taken possession of it, but is making a thoroughfare from one of her provinces to another. Provincial charters for a railroad have been granted, and these have been confirmed by their King—and no doubt, sir, before one year passes, (unless force is interposed,) we shall see it made; and thus a permanent possession will be had by that Power of an extensive and valuable portion of Maine, covered with forests of pines towering, as it were, to heaven, and not equalled by any in the Union; millions of which are annually swept off by the subjects of his Britannic Majesty. Thus, sir, we see our Union dismembered—one of her States stripped of its sovereignty, despoiled of its possessions and wealth, and the dearest rights and privileges of its citizens trampled under foot. Is not this aggression, insult, cause of war? Shall it be tamely submitted to? Shall Maine, sir, be tauntingly reminded of her wrongs by those who were the cause of them, and whose duty it was long since to have redressed them? Sir, the Governor of that State has, in his annual message, called the attention of the Legislature to that subject, in a tone and with a spirit which cannot be mistaken, and soon there will be a legislative response; and then, sir, you may hear again from that border State, whose dearest interests have been too long neglected by this Government. This subject is directly connected

with the revenue; and reference should be had to it in regulating the same; and all our surplus may yet be required to preserve the integrity of the Union. The time has been when millions were ready for defence and protection; and I trust that it has not passed, but that these wrongs will soon be redressed.

Mr. TIPTON said that it had not been his purpose to trouble the Senate with a single word on the subject of the amendment he had offered, nor should he now have done so but for the call which had been made upon him by the Senator from Kentucky to state the reasons on which the amendment was grounded.

He should present these reasons as briefly as he was able, and, having done so, should trouble the Senate no further. No man (said Mr. T.) knows better than the Senator from Kentucky that, when the population first began to cross over the Ohio from his own State into what was then the Northwestern Territory, they had to encounter privations and difficulties in every form. They entered into a wilderness which had neither roads nor paths, but lay entirely in a state of nature. For this land they had to pay two dollars an acre. Those who settled the country had to construct roads and bridges and other improvements, which greatly increased the value of the land, and which they accomplished by their own labor, unaided by the General Government, except so far as the two per cent. fund might go toward the construction of highways, and also with the exception of certain sections of land given to the new States for the promotion of education. The first settlers in what is now the State of Ohio purchased all the land in that State which was worth two dollars, and that which was of poorer quality remained, much of it, unsold. The amendment which is now offered does not propose to reduce the price of all the public lands, but it provides that such as has remained in market for ten years without a purchaser shall be subject to entry at one dollar the acre, and such as has remained unsold for fifteen years at seventy-five cents. Should this amendment prevail, it will enable the old settlers of the country to add to their farms tracts of inferior land for purposes of timber or stone, which will not sell at the present price of one dollar and twenty-five cents. The people of the West have frequently urged the justice and expediency of a law of this kind; and so manifestly proper has it been admitted on all hands to be, that a bill for the purpose has once or twice passed the Senate, but has been lost in the other House for want of time. I now again introduce the principle, and ask its adoption, as a measure both of justice and of sound policy. Frequent complaints have been urged respecting trespassers on the public lands, who plunder them of timber and stone. If the lands could be obtained at a reduced price, the temptation to such trespasses would be diminished. We do not ask, I certainly do not, that the fresh lands should be reduced in price; nor have I heard such an idea so much as once advanced by any body within the last two years. The amendment refers only to that which has been in market for a course of years, and will not sell.

The Senator from Ohio, [Mr. EWING,] in speaking of the purchasers of the public land, defended them against what he considered unmerited and slanderous imputations. His remarks on that subject, however just, do not affect me. I neither am myself a speculator, nor do I denounce those who are. I consider the public land as fair an object of purchase and sale as any thing else. I consider it perfectly fair and honorable for any man who has capital to purchase those lands at Government price, and to sell them out for as much as he can get. But the Senator, while defending this class of persons, bore very hardly on those who make an improvement on the land with a view to pre-emptive rights, and, in his statements on that subject, he certainly went far beyond any thing that I have ever known in the Western country. I have myself lived in the midst of the public lands for thirty years, and I am persuaded the Senator has been misinformed. I accuse him of no intention to do injustice, for he did not pretend to speak from his own knowledge. He made a strong argument, as he always does, but it was based upon supposed facts, which do not actually exist. While I was for a short time absent from the Senate chamber, he introduced, as I have since been informed, certain articles of mutual compact among the settlers on the public lands, which it seems he received from a citizen of Indiana. Now, if, as I hope, he intends to publish those articles as an appendix to his speech, it is all I desire on that point. Let those articles be read by any unprejudiced persons, and they will be able to judge for themselves whether persons bidding against the members of this association at the public land sales are, as he represented, to be knocked down or shot down. There is nothing like it in the agreement, nor in fact. I have myself a personal acquaintance with Solon Robinson, the individual whose name is signed to a circular read by the Senator, and who is also the secretary of the association referred to, and I believe him to be an upright, honest, and honorable man. I also know many of the settlers in Lake county, and I know them to be an orderly, peaceable, and respectable body of men. They have gone into that country with a view to better their condition; and who will blame them for it? They engage to employ at the public sales all the means in their power to obtain their rights, by which I understand them of course to mean all lawful means. By your law of 1830 you gave, on certain conditions, to every settler a pre-emption right to a quarter section of land; and you thus held out an inducement to individuals to enter on your domain, with a prospect of getting a permanent home. They went there, believing that the same opportunity would be extended to them. They are in possession of the land. They have by their labor enhanced its value, and they are ready to pay for it the price you ask. Can you expect that these people shall stand still, and let speculators come and turn their wives and children out of doors? It is most unreasonable; but as to the guns and dirks that the gentleman apprehends so much, they never have been used, nor will they be. Congress has nothing to fear on that score. They ask that you shall allow them a pre-emptive right, and thus do no more than what is just. The land, it is true, is settling fast; and why should it not? And why should not the United States Treasury get the money for it, and then distribute that money among the States? I see in this no such great evil; but, on the other hand, it will be a great public evil to check the sales of the public lands.

The Senator from Ohio laments that, in some of the older States of the Union, especially in some parts of Virginia, the population is actually decreasing. The fact is new to me. I certainly never heard such a complaint before. But if it is the interest of the young people of Virginia to go out into the vast West, and there to seek for fortune and for fame, why should you try to prevent them from doing that very thing which you yourselves have done? Many of the Senators whom I see around me are those who, in their youth, left the older States, and went out to seek their fortunes in the new; and shall these gentlemen seek to cut off others from the same advantages? Surely not. Their constituents, I am persuaded, do not require such a thing at their hands. It would, indeed, be a strange phenomenon in political economy, that, when the country has become rich and strong by this very process, her statesmen should turn round and say, we have too much public land in market; we must take measures to stop the sale of it. I am willing to modify the tariff in such a manner as to re-

duce, in some degree, the amount of revenue from that source, but I am not willing to cripple the sales of lands in the West, or to take them out of market.

Having thus briefly given the reasons in behalf of the amendment I have offered, I will conclude by expressing my hope that Senators will do what I conceive to be their duty in the case.

Mr. CLAY would add one or two words on this amendment. The proposition is to reduce the price of land which has remained for ten and fifteen years unsold to $1 and to 75 cents. Now, we hold the public lands as trustees for the entire people of the United States; we are bound, therefore, to administer the trust for the benefit of the whole people, and not for a part only. Has the gentleman shown that the price of these lands is now too high? Is it pretended by any body? Does any one doubt that the Government will get the price now asked at some day? What is the progress of things which brings these lands into market? The Indian title to a certain tract of country is extinguished by treaty; immediately, the people in the vicinity are urgent with Congress to have the lands immediately surveyed. Well, the lands are surveyed; forthwith they besiege the President to issue his proclamation, and set them up for sale; the President complies, and a fresh body of land is thus added to the stock already in market. And what has been the result of this eternal pressure on the Government for more land? Why, that we have now one hundred and twenty millions of acres at present in the market unsold? The inference of the honorable Senator, that because land has remained ten years in market unsold it is therefore not worth the price asked by Government, is most unfair. The true reason why any remains unsold is, that the supply is so immensely beyond the demand. The demand may average from eight to ten millions of acres; and you have one hundred and sixty millions in the market, and still have one hundred and twenty millions left on hand. Wait, then; there is no such urgent haste; wait a little, but do not adopt so wild a plan as to reduce your price in order to force a sale. Take the experience of Ohio as an example; her total amount of public land is reduced to about two millions and a half of acres, and the whole has been disposed of at the Government price. And so, as population goes on increasing, will it be in other States. There is no urgency in the execution of our trust; the whole may not be sold during this generation, and perhaps the next; and what then? If, in the faithful administration of our trust, it should be ages and ages before the whole is sold, is that a reason for reducing the price? Some years ago, indeed, when our sales were two or three millions of acres in a year, there might have been more force in the argument for a reduction; but when the sales have risen from five to twenty-five millions in a year, will you reduce your price that you may still further augment the sales, and tempt speculation more and more? It seems to me that in such a plan there is neither wisdom nor foresight.

On the general subject of the bill I hope to be heard, but now I limit what I have to say to the amendment before the Senate. As to the hardships of those who crossed the Ohio, and went into the Northwest Territory, does the Senator forget all the favors which have been conferred on that part of the country by Government? Has he forgotten the construction, at vast expense, of the most magnificent road in existence, now extending itself to the banks of the Mississippi, and beyond it? He talks of the exemption from taxation: why, does he not know that almost every part of that system has been, piece by piece, undermined, till there is almost nothing of it left? What has been done with the section granted in each township for the use of public schools? It is but the other day that we allowed a township, to exchange it for good land wherever they could find any. What was done at the last session? Did we not pass a bill giving them an exemption for five years? The whole system is almost utterly destroyed. And when the Senator speaks of the hardships endured by the first settlers north of the Ohio, he forgets to compare their condition with those on the south of it. Was it not they who conquered Ohio by their valor and their blood, rescuing it out of the hands of a savage foe? And what have we in Kentucky got from the General Government? No magnificent roads made through our territory at the public expense; no reservations for the education of our poor; no princely donations of land and money for the construction of our canals; no, sir, nothing of the kind. Does the gentleman suppose we are incapable of feeling and of comparing? Yet what do we hear but one eternal demand for more! more! at the sacrifice of a compact made for the general benefit of the whole confederacy? I hope this amendment will not prevail. I hope that while our lands are already sold at a price the gentlemen themselves say is too low, we shall not, at their request, reduce the price still lower.

The yeas and nays were then taken on the amendment proposed by Mr. TIPTON, when it was rejected by the following vote:

YEAS—Messrs. Benton, Black, Dana, Ewing of Illinois, Fulton, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Rives, Robinson, Sevier, Strange, Tipton, Walker, White—18.

NAYS—Messrs. Bayard, Brown, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, Niles, Page, Prentiss, Robbins, Ruggles, Swift, Tallmadge—19.

Mr. BENTON then offered the following amendment:

That it shall and may be lawful for any head of a family, young man over the age of eighteen years, or widow, not having received a donation of land from the United States, and being or wishing to become an actual settler on any parcel of public land which shall have remained five years unsold after having been offered at private sale at one dollar and twenty-five cents per acre, and not exceeding in quantity the amount of one quarter section, to demand and receive, from the proper register and receiver, a written permission to settle on the same, upon payment, to be made to the proper receiver, of the sum of seventy-five cents per acre; and if such person, so applying for and receiving such permission, shall forthwith settle on the said land, and he or she, or his or her heirs or legal representatives, shall cultivate the same for five successive years, and shall be a citizen or citizens of the United States at the end of that time, then, on proper proof being made, before the register and receiver, of such settlement, cultivation, and citizenship, a patent shall issue for the said land to the person who received such permission, or his or her heirs or legal representatives. And the faith of the United States is hereby pledged to all persons who may settle on the public lands, according to the provisions of this section, that no dispensation shall, at any time, be granted to any individual from complying with the substantial conditions herein prescribed. And if due proof of settlement, cultivation, and citizenship, as herein required, be not made within one year next after the expiration of said five years, the said land shall again be subject to entry at private sale, as land belonging to the United States. And if two or more persons, entitled under this act to the privileges of actual settlers, shall apply for the same parcel of land, then the register and receiver shall immediately decide the right of preference between them, according to priority of settlement and other equitable circumstances; and where these are equal the decision shall be made by lot.

The question was taken on its adoption by yeas and nays, as follows:

YEAS—Messrs. Benton, Black, Dana, Ewing of Illinois, Fulton, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Rives, Robinson, Sevier, Strange, Tipton, Walker, White—18.

NAYS—Messrs. Bayard, Brown, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, Niles, Page, Prentiss, Robbins, Ruggles, Swift, Tallmadge, Wright—20.

So the amendment was lost.

Mr. SEVIER offered an amendment, which granted the actual settler a pre-emption right, on his showing that he had occupied a quarter section six months immediately previous to a land sale. This was agreed to.

Mr. MORRIS now observed that the bill, since its first being reported by the committee, had undergone so many modifications, and the pre-emptive feature in it had been so much changed for the worse, that, by way of testing the opinion of the Senate whether that principle should be retained, he would move to strike out the entire section (the 4th) on that subject.

The motion was supported by Mr. CLAY, and opposed by Messrs. LINN, SEVIER, and BENTON, and with great vehemence by Mr. WALKER, who observed that if the two features of graduation and pre-emption were stricken out of the bill, he should abandon it at once; when

Mr. MORRIS expressed a wish to address the Senate in behalf of his motion, and moved, thereupon, an adjournment; which prevailed,

And the Senate adjourned.

WEDNESDAY, JANUARY 25.

RICHARD W. MEADE.

The Senate proceeded to the consideration of the bill for the relief of the executrix of Richard W. Meade.

The subject of the bill having been debated at great length by Messrs. CLAY, HUBBARD, WALKER, CALHOUN, WRIGHT, and BUCHANAN,

Mr. CALHOUN moved to lay the bill on the table, for further examination. Negatived: Yeas 19, nays 22.

After further debate, on motion of Mr. HUBBARD, the bill was amended so as to limit the amount to be allowed by the commissioners named by the bill to the proportion allowed to other claimants, from the $5,000,000, under the treaty with Spain.

Also, the Secretary of the Treasury was substituted on the commission for the Secretary of State, who, Mr. H. stated, had already given a favorable judgment on the claim: Yeas 25.

The bill was then ordered to be engrossed for a third reading.

PUBLIC LANDS.

The Senate resumed the consideration of the special order, which was the bill to restrict the sale of the public lands to actual settlers.

The question being on the motion of Mr. MORRIS to strike from the bill the 4th section, which refers to the subject of pre-emption rights to be conferred on the settlers who shall fulfil certain conditions--

Mr. MORRIS declined making, at this time, his speech in support of the motion, and suggested to Mr. WALKER the expediency of postponing the further consideration of the bill to to-morrow.

Mr. WALKER wished, first, to offer an amendment, which had been agreed on in the Land Committee, with a view to exclude all lots or tracts of land reserved by order of the United States Government for town lots or other purposes.

Mr. EWING suggested that such an amendment would not cover the case of the fort at Chicago, to which he had referred in his general speech on the bill, because that lot had not been reserved by any law, but, as he understood, had been erected on a certain site by direction of the Executive. The amendment, to effect that object, ought to except from pre-emption all lands in the occupation of the United States Government for public purposes.

Mr. ROBINSON proposed that the amendment should exclude all lands "inhibited from sale by an order made pursuant to law." He then adverted to the Chicago case, and, while expressing his disapprobation of the claim there urged for a pre-emption right, reminded the Senate that a court of his own State had decided in favor of the claim. He then repelled, with much warmth, the charge thrown out by Mr. EWING, that officers high in the Government, and members of Congress, were reported to be interested in that claim. He was, himself, wholly free from all connexion whatever with that affair. He had particularly inquired, and he knew of no officers of his own State, or members of Congress, who were concerned in it. He demanded that the charge should be made more definite, called strenuously for the names of individuals charged, and pledged himself to visit them, if proved guilty of improper conduct, with the heaviest punishment the law could inflict. He passed very high encomiums on the character of Mr. Whitlock, of whom he said that "the Almighty had never made an honester man, nor could he, should he try it over again."

Mr. EWING explained, disclaiming the most distant suspicion of the Senator himself, and declaring that he had not charged, nor did he now charge, any individual whatever, but had spoken of what was public rumor on the spot; and declared it as his opinion that the subject was of sufficient importance to deserve the institution of a formal inquiry. No name had been mentioned to him but that of Baubien, the original claimant; nor would he have willingly received the names of individuals, had they been offered to be communicated. He spoke in general terms alone.

Mr. ROBINSON rejoined, and reiterated with increased warmth his call for a more specific charge. He then proceeded to reply to the reflections which had been cast during the debate of yesterday on the character of those who went upon the public lands and improved them, and then demanded pre-emption rights. What were they? Thieves? Pirates? Robbers? Where did they come from? From the States where the public lands lay? No; but from all parts of the Union. He should be proud, could he compare characters with many of the settlers thus denounced. He eulogized their patriotism, bravery, and integrity, and complained of the reiteration of the terms "trespassers" and "squatters," which had been repeatedly applied to them. He hoped the Government would entertain and act on better views; but (added Mr. R.) if you do not, we will learn you—yes, we will learn you a lesson—that the free people of these United States are not going to be deprived of their rights. He then upbraided the Government with a mercenary spirit in its conduct toward these hardy and industrious men, very inconsistent with its high claim of being the only free Government on earth, the refuge of the oppressed, &c., and cried, shame, shame upon it.

Mr. TIPTON moved an adjournment, but waived the motion at the request of Mr. BENTON; when the Senate went into Executive business.

After which, and some explanatory remarks having been made on the land question by Mr. WALKER--

The Senate adjourned.

THURSDAY, JANUARY 26.

PUBLIC LANDS.

The bill to prohibit the sales of the public lands, ex-

cept to actual settlers, and in limited quantities, was taken up as the special order of the day.

Mr. WALKER moved an amendment, to except from the operations of the bill, and from pre-emptions, all lands occupied under the authority of the United States, and that have been or may be reserved by law for any special purpose, or for town lots; which amendment was agreed to.

After some remarks from Mr. RUGGLES,

On motion of Mr. WALKER, the amendment was further amended, by inserting a proviso that no written or verbal contract, mortgage, or other encumbrance, made with a view to evade the provisions of this act, shall be binding.

Mr. WHITE moved an amendment, striking out the provision permitting a purchaser of the public lands at any time within five years to relinquish the land purchased and receive back the purchase money.

After some remarks in support of this amendment, by Messrs. WHITE, LINN, GRUNDY, and CLAY, it was adopted.

On motion of Mr. GRUNDY, the bill was here laid on the table, to allow him to make a motion with regard to the qualification of the

MICHIGAN SENATORS.

A message was then received from the President of the United States, by Mr. ANDREW JACKSON, jr., his secretary, stating that the President had signed the bill for the admission of the State of Michigan into the Union on an equal footing with the original States.

The credentials of the Hon. JOHN NORVELL and the Hon. LUCIUS LYON, elected by the Legislature of the State of Michigan, on the 10th November, 1835, to represent that State in the Senate of the United States, were read by the Secretary; and,

On motion of Mr. GRUNDY, the usual oath to support the constitution of the United States was administered to Messrs. NORVELL and LYON by the Vice President, and they took their seats in the Senate.

PUBLIC LANDS.

On motion of Mr. GRUNDY, the land bill was again taken up; when

Mr. BUCHANAN submitted an amendment, to allow to fathers, in each of the States, having children between the ages of twelve and twenty-one years, or to mothers of such children, whose fathers are dead, to enter a section of land in the name of each child, the patent not to issue until the child, in whose name the entry is made, becomes of age.

Mr. BUCHANAN said that he had expected that the Committee on Public Lands would have submitted an amendment of the character of the one he had just offered; but inasmuch as they had not done so, he felt it his duty to offer it, and to state concisely the reason why, in his opinion, it should be adopted. In the old States of this Union it was well known that, when a father of a family gets a little forward in the world, there was nothing more common than for him to go into the new States for the purpose of purchasing land, as a provision for his children when they became of age. These people (Mr. B. said) seldom purchased more than a half section of land; and if gentlemen wished to restrict the operation of his amendment to this quantity, he should have no great objection to it. The land is thus purchased, (continued Mr. B.,) and as sure as the child for whom it is intended becomes twenty-one years of age, he goes out to the West with his wagon and horses, and farming implements, and becomes the very best settler that the new States can have. No speculation was intended by this mode of purchase, and none could possibly take place under it. It would be a great advantage to the citizens of the old States to permit them in this way to provide for their children, and he apprehended that the new States would be equally benefited by being thus provided with such a meritorious class of settlers as the sons of the industrious and respectable farmers of the old States. Mr. B. said he had hoped that the Committee on Public Lands would have offered this amendment; but, as they had not done so, he had felt it his duty to submit it to the consideration of the Senate, trusting that no objection would be made to it.

Mr. CLAY said he was very glad the gentleman from Pennsylvania had offered the amendment, for it could not have come from a more appropriate quarter. But he would ask why there was to be any greater privilege in the case of a child of a provident and attentive father than in that of a son or daughter who might be left orphans? Did not every consideration of humanity carry out the principle to the grandchild as well as to the child? He would suggest, then, to the Senator from Pennsylvania so to modify his amendment as to embrace that relation as well as the others.

Mr. WALKER said that it would be recollected by the Senate, that among the greatest objections to the bill was that raised by the Senator from Ohio, [Mr. EWING,] that it would increase instead of diminishing the land sales, by facilitating the entry of land; that individuals would not only enter lands in their own names, but in the names of all their children. Now, if these objections of the Senator from Ohio would apply to the bill itself, they would undoubtedly apply with still greater force to the amendment of the Senator from Pennsylvania. He did not himself, however, agree with the Senator from Ohio, and would have no objection to the amendment of his friend from Pennsylvania, with a slight modification. The bill itself (Mr. W. said) provided for the entry of lands by minors, after arriving at the age of eighteen years. Therefore, if the gentleman would confine his amendment to minors between the ages of twelve and eighteen years, he would agree to it.

Mr. EWING, of Ohio, said his objection to the bill of the Senator from Mississippi was not to any of the particulars to which the gentleman had just referred, but it was that a father could enter in the name of his wife or child a tract of land, provided he lived near it, but that fathers living in the old States had not that privilege. Now, he (Mr. E.) conceived this to be a great objection to the bill, for it was giving a great preference in favor of actual settlers, over those living at a distance; it was, in fact, placing it in the power of those resident on the spot to monopolize to the amount of threefold or fivefold more of the public lands than those living at a remote distance from them. He thought, then, that the bill should be modified, rather than the amendment, and so as to confine the entry of lands to parents in behalf of their children who may be between the age of twelve and twenty-one years.

Mr. BUCHANAN remarked that he did not wish to embarrass the bill by offering any provision to it which he did not deem absolutely necessary, in order to prevent a public good from being converted into a public evil; but he could not, representing as he did an agricultural community, (many members of which were frequently going West with their children, whose welfare was of some importance,) forego this opportunity of proposing this amendment. He should like to know what course to pursue which would render his amendment successful. If so, he would move to amend the bill as reported by the committee, by saying that the individual should enter at the age of twenty-one, instead of eighteen. He thought it was but proper that a youth, before arriving at the age of twenty-one, ought not to have any inducement offered him to quit the paternal roof. He entertained the opinion that policy and pru-

dence required this course; and if he did not think that there was some danger to be apprehended in regard to the loss of the amendment, he should certainly make the modification which had been suggested to him; and if any gentleman would move to strike out "eighteen," and insert "twenty-one," he (Mr. B.) would then vote to carry his proposition into execution.

Mr. LINN suggested to the Senator from Pennsylvania that his amendment, as it stood now, would be more likely to receive the vote of the majority than if modified. Mr. L. said that if the amendment should prevail, it would be at variance with the whole object of the bill.

Mr. MORRIS contended, that if the amendment should prevail, the title of the bill should be changed. It ought to be entitled "A bill to encourage the settlement of the public lands by law." He repeated that if the amendment should be adopted, it would entirely destroy the great object intended to be accomplished by the bill, and open wide the flood-gates of speculation.

Mr. BAYARD remarked that the effect of the bill, as it at present stood, was to confine its benefits entirely to the inhabitants of the neighborhood, to the exclusion, in fact, of those living at a distance. He maintained that the right of entering lands should be given to the uncles of children, and also to guardians, as well as fathers and grandfathers, in behalf of the child or children whose parent may be dead.

Mr. MORRIS hoped the amendment, or substitute, for the original bill, as reported by the Committee on Public Lands, and amended, together with the amendment of the Senator from Pennsylvania, might be printed, and the further consideration of the subject postponed till to-morrow.

Mr. WALKER hoped not. If the proposition of the gentleman from Pennsylvania prevailed, he would have no objection to postpone the further consideration of the bill till to-morrow.

Mr. LINN wanted the bill to be what it purported, to confine the sales of the public lands to actual settlers. That was all he desired.

Mr. BUCHANAN observed, that with all the favorable feelings he had for the interests of the West, he did not know that he could vote for this bill, unless it contained some such provision as the one he had submitted. Was this amendment to open wide the flood-gates of speculation? What was there in it to authorize such a prediction? How could speculation possibly be practised under it? If gentlemen thought the quantity of land too great, he cared not if they reduced it below a section; for so far as his constituents were concerned, he did not believe that one in a hundred of them ever purchased more than a quarter of a section.

How (Mr. B. asked) could speculation ever be attempted under this provision? No patent was to issue until the child for whom the land was purchased arrived at the age of twenty-one years; and was it likely that any father would travel from the Atlantic to the extreme West to buy land for his child, for which he is to receive no patent for eight or ten years, encountering all the trouble and expense of the journey with a view of making a speculation? The very circumstance that no patent is to issue until the child becomes twenty-one years of age would of itself prevent the possibility of a speculation. It was asking a little too much, said Mr. B., to expect us of the old States to vote for a bill of this kind, without some such provision. He did not say that he would not vote for the bill without the adoption of the principle he contended for, but he did say that after the bill was sufficiently matured, and was out of committee, he would weigh well all its advantages and disadvantages, and that the absence of this provision might turn the scale against it. Mr. B. suggested that it would be better to postpone the bill for the present, until all the amendments were printed. He did not know at present whether he would or would not make a modification of his amendment, but he certainly would contend for the principle it contained with all the ability he possessed.

Mr. KING, of Alabama, made some observations in favor of the motion of the Senator from Ohio, [Mr. MORRIS.] He wished to see the bill in print in the shape in which it now stood, in order to thoroughly understanding it before voting, or agreeing to it as amended in committee. It was not now the bill it was as it came from the Committee on Public Lands, for it had undergone many amendments; and though a number of them were said to be verbal, yet he apprehended that they had materially changed the character of the original bill. The gentleman from Ohio said the amendment of the Senator from Pennsylvania [Mr. BUCHANAN] would change the whole character of the bill; and if so, he could not vote for it; for the principal object they all had in view was to check speculation, lessen the great amount of the land sales, and thus diminish a too redundant revenue. These were the objects for which the bill was introduced, and he wished, by having the bill printed as it then stood, to see how far it retained its original character. He was not disposed to enter into an examination of all the provisions of the bill now. He was not prepared to do so, in consequence of the changes that had been made in it by the many amendments which were called verbal, and which no Senator had been able to keep an exact account of. It was, therefore, necessary that the whole subject should be distinctly presented to the Senate before taking any further question on it, as nothing could be gained by hurrying the question before the details were arranged. He wished, further, to see what modification the Senator from Pennsylvania would give to his amendment.

After some remarks from Mr. WALKER in opposition to the postponement,

The question was taken on Mr. MORRIS's motion, and the bill was postponed till to-morrow, and the amendments of the committee, with the amendment proposed by Mr. BUCHANAN, were ordered to be printed.

TREASURY CIRCULAR.

Mr. WALKER moved to postpone the previous orders, and take up the bill designating and limiting the funds receivable for dues by the United States.

Mr. EWING expressed an opinion in favor of the motion, and

Mr. RUGGLES against it, inasmuch as it was intimately connected with the land bill, whose fate ought first to be ascertained.

Mr. CLAY said he thought gentlemen did not duly sympathize with those who were suffering embarrassment under the operation of the Treasury order. Every hour that order continued, it inflicted injury and degradation on the West. He hoped the bill would be taken up, and called for the yeas and nays on the motion; which were ordered.

Mr. KING, of Alabama, said he should vote for taking up the bill, because he believed it right and proper to legislate on the subject, and not because he considered the continuance of the Treasury order as in any way degrading. He could see no special connexion between this measure and the land bill, to require a delay of this bill. The action on the land bill should terminate. This measure should be carried independently of that.

Mr. MORRIS said, if the object was to take an immediate vote on the bill, he was opposed to taking it up. He was not now disposed to vote either for this bill or the amendment. He was opposed to the Government's interfering in any way with the State institutions, either directly or indirectly, and banks were State institutions.

The question being then put, on taking up the bill, was decided by yeas and nays, as follows:

YEAS—Messrs. Bayard, Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Moore, Nicholas, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Sevier, Southard, Swift, Tallmadge, Tipton, Tomlinson, Walker, White—33.

NAYS—Messrs. Benton, Brown, Dana, Fulton, Grundy, Linn, Morris, Niles, Page, Ruggles, Strange, Wright—12.

So the Senate decided that the bill should be taken up.

Mr. RIVES thereupon offered an amendment, to extend the prohibition respecting the notes of banks issuing notes of small denominations, so as to embrace, after the 30th of December, 1841, notes of $20. [The bill only extended to those of five and of ten dollars.]

He supported the amendment in a short speech, urging the moral effect of the measure, and its necessity, as the only means of effecting the enlargement of the specie basis of our circulation.

Mr. EWING referred to a provision in the bill which requires the deposite banks to receive and pass to the credit of Government all such bank notes as they receive in general deposite. This took away their power to oppress, and reconciled him to the bill, which should now have his vote. The effect of Mr. RIVES's amendment would be to confine the circulation of the large notes in the West to the banks in the immediate vicinity of the deposite banks, while all the small notes circulating there would be those of banks at a distance, to whom it was of less consequence that their notes should be received at the land offices than that their small notes should have a wide circulation.

After some remarks of Mr. NILES, and a brief speech from Mr. WALKER, the question on Mr. RIVES's amendment was decided by yeas and nays, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Georgia, Linn, Lyon, Niles, Norvell, Page, Preston, Rives, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, White, Wright—25.

NAYS—Messrs. Bayard, Black, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, King of Alabama, Knight, Moore, Morris, Nicholas, Prentiss, Robbins, Southard, Swift, Tomlinson—18.

The bill was ordered to its engrossment.

The Senate then adjourned.

FRIDAY, JANUARY 27.

MICHIGAN SENATORS.

Mr. GRUNDY observed that yesterday the Senators from the State of Michigan were admitted to their seats; and as the constitution required that they should be placed in their appropriate classes, he supposed that this had better be done at once. He would therefore submit a resolution, and ask for its immediate adoption. Mr. G. then submitted the following resolution, which was considered and adopted:

Resolved, That the Senate proceed to ascertain the classes in which the Senators from the State of Michigan shall be inserted, in conformity with the resolution of the 14th May, 1789.

Mr. GRUNDY observed, that before submitting the motion to carry the resolution into effect, a word of explanation would perhaps be necessary. There were, according to the constitution, three classes of Senators; and there was an equal number of each, until the coming in of the Senators from Arkansas; but one of them drawing number one, and the other number three, of course there were more of these numbers than of number two. This he had in view in drawing up the motion, and by providing that numbers two and three only shall be drawn, the inequality would be lessened.

On motion of Mr. GRUNDY, it was

Ordered, That the Secretary put into the ballot box two papers of equal size, one of which shall be numbered two, and the other shall be a blank, and each Senator shall draw out one paper; that the Senator who shall draw the paper number two shall be inserted in the class of Senators whose terms of service will expire on the 3d day of March, 1839; that the Secretary then put into the ballot box two papers of equal size, one of which shall be numbered one, and the other shall be numbered three, and the other Senator shall draw out one paper; that if the paper drawn be number one, the Senator shall be inserted in the class of Senators whose terms of service will exipre the 3d day of March, 1837; and if the paper drawn be number three, the Senator shall be inserted in the class of Senators whose terms of service will expire the 3d day of March, 1841.

In pursuance of the above order, Messrs. NORVELL and LYON proceeded to draw ballots for their respective classes; when Mr. LYON, drawing number two, was classed with the Senators whose terms of service expire on the 3d of March, 1839; and Mr. NORVELL, drawing number three, was classed with the Senators whose terms of service expire on the 3d of March, 1841.

AMERICAN COLONIZATION SOCIETY.

Mr. CLAY presented the memorial of a number of citizens of the District of Columbia, stating that they had, a number of years past, formed an association for colonizing free negroes, with their own consent, on the coast of Africa; that many donations had been made to them in money and in lands, which last species of property they could not render available, in consequence of their not having a charter, and praying for an act of incorporation to enable them to hold and convey real estate. Mr. C. moved to refer this memorial to the Committee on the District of Columbia.

Mr. CALHOUN regretted that the Senator from Kentucky had thought fit to present this memorial, and deprecated any discussion or agitation of the subject, which he thought would rather tend to increase than to allay the excitement which had been produced by an injudicious interference with a question of much delicacy. He did not intend to oppose the reference of the memorial, but he indulged the hope that the committee would see the propriety of not acting on it during this session.

Mr. CLAY regretted extremely that there should have been any expression, even in a modified form, in opposition to the object which the memorialists desire to attain. The day would come, he would venture to predict, when the people living in all portions of this vast continent would become converts to the American colonization scheme, and become convinced of its utility, and the humane principles by which it is characterized in striving to ameliorate the present condition of the African race.

The object, then, of the memorialists, was to send free negroes, with their own voluntary consent, to Liberia. They do not desire to touch any interest nor any property—to affect no right of any citizen here, or in the States. The memorialists come here and tell the Senate that many donations have been made to them, from time to time, both in land and money, and it was of the highest importance that such an act as they applied for should be granted. He might remind the Senate of a donation that was given the Colonization Society by one of the best and greatest men this country had ever produced—he meant the late venerable ex-Presi-

dent Madison. He bequeathed the donation (on account of there not being in existence such an act as these memorialists pray for) to Mr. Gurley, for the benefit of the society. Although, in the present case, the trust was faithfully executed, in other cases it might not be; hence, therefore, the memorialists ask for an act of incorporation, in order that they can receive what may be given them. Now, the object was dear, was interesting, was just, was natural; and he could not but express his hope that an act of incorporation would be granted them.

Mr. CALHOUN, after some remarks in reply to Mr. CLAY, said that from the first to the last he had been under the impression that any interference with the objects of this society by the General Government would not only be unconstitutional, but would have the most mischievous effects. He would remind the Senator from Kentucky, who had mentioned the late Mr. Madison as one of the friends of the Colonization Society, that that great statesman was so strict in his notions as to the granting of charters by the General Government, that he had vetoed the act of Congress incorporating a church in Alexandria. The Senator from Kentucky must know that great diversity of opinion existed among the wisest and best men of the country as to the ultimate good to be effected by this society; and that the prevailing opinion of the great body of the people of the South was against it. Nine tenths of the Southern people at least, said Mr. C., were opposed to any interference with the objects of this society by the General Government.

Mr. WALKER did not intend to discuss or agitate the question at this time. He would only state that, among the unfortunate consequences which had been produced in Mississippi, owing to the movements of the abolitionists, was the unpopularity of the Colonization Society, which previously, on the contrary, had been extremely popular. There were many individuals in that State who had been very beneficent contributors to it, but who now were opposed to it. He thought, therefore, that the present was a most unfortunate period for the agitation of this question, not only as regarded the country, but for the ultimate success of the Colonization Society. He hoped the Senator from Kentucky would not, under these circumstances, press the subject for the consideration of Congress. At some more auspicious time, when the agitation of the abolitionists shall have subsided, and when, too, the country could look unbiased at the request of the memorialists, then would be the more appropriate period to urge the matter.

Mr. CLAY replied that he should be extremely happy if he could reconcile it to his sense of duty to conform to the wishes of the Senator from Mississippi, [Mr. WALKER;] but, after much reflection, he was satisfied that it was his duty to present the memorial, and to advocate the reference he had proposed. He agreed with the Senator in thinking, that whatever of unpopularity had been given to this Colonization Society resulted exclusively from the acts of the abolitionists; and he would take this occasion to say that, as far as he understood their objects, they were just as much opposed to the Colonization Society as to the slaveholders of the South; denouncing it and imputing motives to it which did not exist, and in fact assailing it in every possible form. With regard to the veto of Mr. Madison, alluded to by the Senator from South Carolina, it would be recollected that it was made on the grounds that the act was to incorporate a religious association, which Mr. Madison supposed would come in conflict with that provision of the constitution which declares that Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof.

Mr. C. doubted the accuracy of the opinions of the Senator from South Carolina, as to the opposition of the South to the Colonization Society. Of the slaveholding States, he was well assured that a majority of the people of Virginia, Maryland, Kentucky, and Tennessee, and North Carolina, were in favor of its objects. He did not know but that the people of South Carolina and Georgia were opposed to it, and he could not speak as to Alabama; but the Senator from Mississippi had just assured them that this society was highly popular in his State, until the excitement produced by the abolitionists had brought it into discredit.

Mr. BUCHANAN rose to make a suggestion to the Senator from Kentucky; and that was, that, if an act of incorporation be granted at all, it must not be confined in its operation to the District of Columbia; it must go to the extent of the whole Union. It appeared to him (Mr. B.) that this was not a proper subject to be referred to the Committee on the District of Columbia, which was a committee having a great deal of business to attend to, though not of a character of such general importance as was connected with this memorial. He should, therefore, think it would be better to have a special committee on this question. The gentleman from Kentucky understood the matter perfectly well, and should be placed at the head of it, and could bring forward such a proposition as would meet general approbation. He (Mr. B.) therefore moved that the memorial be referred to a select committee.

Mr. CLAY observed that he understood the subject, and had determined to make his proposition as free from objection as possible; and, therefore, he limited the powers of the act of incorporation to this District only. He was perfectly aware that in an attempt to give it a general character, so that the society might establish branches here and there, a constitutional question would arise. He hoped the Senator from Pennsylvania would withdraw his motion for a select committee. He (Mr. C.) did himself doubt whether Congress had the power to pass an act of incorporation which should have powers beyond the District of Columbia. But as to the memorial, he would say that, as it came from the District of Columbia, the proper reference was to the committee having charge of its affairs, to which it might be sent; and he hoped that it would report a bill as speedily as possible. He hoped gentlemen would not postpone the consideration of the subject.

Mr. CALHOUN conceived that the Senator from Pennsylvania had taken the proper view of this question. He thought, too, that it should be referred to a select committee. The Senator from Kentucky and himself view the subject in a very different point of view. A mysterious Providence had brought the black and the white people together from different parts of the globe, and no human power could now separate them. The whites are an European race, being masters; and the Africans are the inferior race, and slaves. He believed that they could exist among us peaceably enough, if undisturbed, for all time; and it was his opinion that the Colonization Society, and all the other schemes which had been gotten up through mistaken notions of philanthropy, in order to bring about an alteration in the condition of the African, had a wrong foundation, and were calculated to disturb the existing relations between the two races, and the relations between the North and the South. He knew the Senator from Kentucky viewed the subject in a very different light, for he had stated on many occasions the opinions he held. He (Mr. C.) believed that the very existence of the South depended upon the existing relations being kept up, and that every scheme which might be introduced, having for its object an alteration in the condition of the negro, was pregnant with danger and ruin. It was a benevolent object, and highly desirable that the blessings of civili-

zation and Christianity should be introduced into benighted Africa; but this was a Government of limited powers, and had no more to do with free negroes than with slaves; and if Africa was to be Christianized and civilized, he hoped it would not be done by this Government acting beyond its constitutional powers. It was a matter of little importance to him, whether the memorial should be referred to a select committee, or to the Committee on the District of Columbia.

Mr. PRESTON expressed his hope that the memorial might be sent to the Committee on the District.

Mr. STRANGE said that he should be compelled to vote against the reference of the memorial to any committee whatsoever. He coincided in opinion with both the Senators from South Carolina, that, were an act of incorporation passed, its effects would be coextensive with the Union itself. And he should deprecate more the location of a society at this point than at any other, because of its commanding position, and on account of its indicating the right of Congress to interfere with so delicate and important a subject. It was impossible to be so obtuse as not to see that this society, with its Briareus arms, would exercise a great influence over the interests of the Southern country. What would be its effects, but to hold out to the slave population a desire to become free? He meant, according to the laws of the country in which they live. They did not generally desire freedom, in their degraded condition, and most of the slaves preferred living in that condition. But when an inducement was held out to them, it was done to make them discontented with the situation in which God had placed them. He had been opposed to the Bank of the United States, because he believed Congress had no power to grant a charter out of the District of Columbia; and for the same reason, nearly, he was now also opposed to granting an act of incorporation to the Colonization Society in this District, because, in its very nature, its operations could not be confined to it solely.

Mr. BUCHANAN, after a few remarks, said that no gentleman could look upon this question without perceiving that it involved one of the greatest constitutional questions that could possibly be raised. What was it? Simply to charter the Colonization Society of the District of Columbia? Why, said Mr. B., are not the members of this society scattered all over the Union, and is it not its object to establish an empire in Africa? Did not the gentleman from Kentucky say that, through its means, civilization and Christianity were to be extended over Africa? These were most benevolent and praiseworthy objects, Mr. B. said, and he hoped they might succeed; but he would ask, were these grand objects to be referred to the Committee on the District of Columbia, constituted, as it was, to take charge of the local interests of this ten miles square? He could not think that this was a proper question for the consideration of the District Committee; but it would be an appropriate subject of consideration for the Committee on the Judiciary, which was constituted to take cognizance of questions involving constitutional law. Desirous, however, to have as much light as possible on this subject, and knowing that the Senator from Kentucky was perfectly well acquainted with it, he would greatly prefer referring the memorial to a select committee, of which that gentleman should be the head, in order that the public might be enlightened by the able report that he would make; but if this could not be done, he thought it ought to be sent to the standing committee which had a peculiar charge over constitutional questions.

Mr. CLAY said the argument of the honorable Senator from Pennsylvania was founded upon the hypothesis that the operations of this society were not to be confined to the District of Columbia, but were to be coextensive with the Union. It should be recollected, however, that the memorialists did not come here to ask for any legalization of their operations, for they could go on, as they had already gone on for twenty years past. They could fit out their vessels from Norfolk, New Orleans, and elsewhere, without coming to ask Congress for permission. Having, then, got that power now, they did not ask the aid of Congress to carry on their operations in that respect at all. The error into which the gentleman had fallen was, in not limiting his views to this single fact--that the memorialists asked Congress to grant them simply the power to receive and to hold property bestowed upon them by voluntary benevolence.

Mr. BUCHANAN wished to ask the Senator from Kentucky one question. If a charter was granted by Congress to this society in the District of Columbia, would not the whole society be thereby organized? Would not the presidents and officers of the auxiliary societies act in obedience to this society here? He could not (Mr. B. said) conceive of two distinct societies.

Mr. CLAY could not say as to the officers of the auxiliary societies; but the actual corporators would be residents of the District of Columbia.

Mr. STRANGE would say one word in reply to the last suggestion of the Senator from Kentucky. If the society was efficient, without legislation, why did they desire something else? And that brought to his mind all the consequences growing out of a society of that character. If it required to be legalized, he would deprecate the consequences of that legalization. It was apparent that they could not get along so well without legislation as with it. He was opposed to lending them any assistance at all; for, if Congress granted them simply the powers they asked, it would be doing nothing less than to lend their countenance to the first step of a great system pregnant with evil to Southern interests. He did not doubt that the gentlemen who brought forward this proposition were sincere, and that the Colonization Society were actuated by benevolent motives; but, nevertheless, he was unwilling to aid them by legislation, for the reasons which he had already stated.

Mr. RIVES remarked that, as he had made up his mind to vote for the reference of this memorial to the Committee on the District of Columbia, he did not wish to be considered as expressing any opinion that the objects of this society could be accomplished by the aid of Congress. While he did not believe that it was competent for Congress to incorporate any society whose objects extended beyond the limits of the District, and were coextensive with the Union, he was yet disposed to vote for the reference, on the assumption that the acts of this society were to be confined to the District of Columbia.

Mr. KING, of Alabama, felt very unwilling that the memorial should be referred to the Committee on the District of Columbia, for it was general in its character, as many gentlemen seemed to think; and that was to his mind the very reason why it should not be sent to this committee, whose duty was to attend to business connected only with the ten miles square, and to guard the rights of the people living within that space. It was quite palpable that no corporate body of this character could be established here, without affecting the whole Union. Why did not the society, instead of coming to Congress for an act of incorporation, apply to some of the States of the Union. Their object was clear; and he could not but regard this as an entering wedge to more extended operations, and it should be frustrated at once. He had never thrown any obstacle in the way of what he considered praiseworthy and meritorious on the part of the Colonization Society; but it was not the duty of Congress to lend them any assistance. Mr. K. concluded by moving that the memorial be laid on the table.

The memorial was then laid on the table: Ayes 24, noes 12.

REDUCTION OF THE REVENUE.

Mr. WRIGHT said the Committee on Finance, to which had been referred, by a resolution of the Senate of the 19th day of December last, so much of the annual message of the President as relates to the reduction of the revenue to the wants of the Government, had directed him to report a bill; and, as the bill was not accompanied by any written report, he hoped he should be indulged by the Senate in a very concise statement of some of the principles and views which had governed the action of the committee. It was not his purpose to debate the bill at this period, but merely to state its contents, and the foundations upon which it rested.

Mr. W. said it was his duty here to say that, in consequence partly of ill health, and partly of other and paramount engagements, the committee had been deprived, during all its deliberations upon this bill, of the valuable advice and aid of one of its members; and that, therefore, nothing contained in the bill, and nothing which he should say, was to be considered as committing that member of the committee, or as expressing his views upon the important and interesting questions involved. The very late arrival in the city of another member of the committee had prevented him from partaking fully in their deliberations. The bill, therefore, is to be received rather as the conclusions and recommendations of a bare majority of the committee, than of the whole committee; and it was his duty further to add, that what he should now say would be more the expression of his private views, and the motives and opinions which had governed his action, than any thing he had been either authorized or directed by the committee to say.

The reference was general, and applied to the whole revenue of the country. This revenue, or, more properly speaking, the receipts into the Treasury, consists of two parts: the money derived from the duties imposed upon importations, which is revenue proper, and the receipts from the sales of the public lands, which is, in fact capital, and not revenue. The committee, upon their first view of the reference, considered this last branch of the subject, the receipts from lands, more properly to belong to another standing committee of the Senate—the Committee on Public Lands. Indeed, at the very time of the reference, they knew that the subject of the reduction of the amount of money flowing into the public Treasury from the sales of the public lands was under consideration before that committee; and very soon after this reference to the Committee on Finance, and before that committee had made it a subject of deliberation, the Committee on Public Lands reported to the Senate a bill, having for its object the reduction of this branch of the receipts into the public Treasury. That bill was, long since, taken up for action in the Senate; and has, for many days now last past, occupied the principal time and attention of the body.

The Committee on Finance, therefore, have not, at any time, considered that branch of the reference before them for their action, or that they have been, at any period since the reference, at liberty to consider and act upon it.

Mr. W. said, another conclusion of his own mind, and one he believed existing also in the minds of his colleagues upon the committee who were present and acting, was, that if Congress, by any legislative action, at its present session, could reduce the receipts into the Treasury to the wants of the Government, the most important measures to reach that object must relate to the lands, and go to reduce the receipts from that source. This conclusion was founded upon the amount of receipts from that source for the last two years. These receipts for the years 1835 and 1836, counted together, had amounted to between thirty-eight and thirty-nine millions of dollars, he did not know but full thirty-nine millions; a sum which exceeded the usual estimate of the wants of the Treasury for the two years mentioned. If, then, every dollar of the revenue from customs were instantly repealed, and the receipts from the lands were to continue at the rates of the last year, there would still be a surplus in the Treasury, or the expenses of the Government must be swollen beyond the amount which is considered economical and desirable. It was, therefore, impossible to apply an efficient and adequate remedy for the existing evil of a redundant revenue by any reduction of the revenue from customs. The receipts from the lands was the seat of the evil, and to that quarter the great and commanding remedies must be directed. The committee hoped and believed, during the whole of their deliberations, that Congress would pass the necessary laws, during its present session, to lop this branch of our public receipts, and to relieve the national Treasury from the dangerous plethora now weighing upon it from that source. Mr. W. said he yet entertained that hope, and his action upon the interesting and important subject of a reduction of our revenue from the customs had been influenced by that hope and belief.

Thus confined, as the committee believed they were, to a consideration of the reduction of the duties upon customs, another principle which actuated himself, and which he believed actuated every member of the committee who participated in their deliberations, was to move cautiously and safely; not to shock the public sense by any hasty and rash movement; not, if that could possibly be prevented, to disturb any permanent and important domestic interest of the country, which had grown up, or was now growing up, under the protection of our revenue laws; but to go as far as the existing laws would permit, to reduce this branch of the revenue without incurring any of these evils. Acting upon this principle, the committee had, in the bill which he was directed to report, and which he was about to send to the Secretary's table, added to the list of free articles every thing which had appeared to them to admit of being made free, without injury to the interests to which he had referred. Every article proposed to be made free was distinctly named in the bill, and the committee had caused a statement to be prepared, from the tables of commerce and navigation for the year ending on the 30th of September, 1835, (the last table of that description which is yet completed,) showing the name or designation of the article, the present rate of duty, the amount of importations for the year 1835, the amount of duty paid upon the article as calculated upon those importations, and the amount of duty proposed to be reduced, as estimated upon the importations of that year. Many of the articles named in the bill are not enumerated separately in the tables of commerce and navigation, but are given as non-enumerated articles, and so grouped as not to show, with precision, the importance of each; but the committee believe that the statement will present, with satisfactory clearness, to the mind of every Senator, the effect of the action they recommend by this part of their bill. This statement it was the intention of the committee to ask the Senate to order to be printed, to accompany the bill; and they felt confident it would afford greater aid to the action of the body upon the bill than any other form of written report they could have presented.

Among the articles proposed to be made free would be found "common salt;" and Mr. W. said, while it was not his object, at this time, to discuss any of the merits or provisions of the bill, he hoped he should be pardoned for the remark, that he knew this was, by far, the most important article inserted in the free list, and an article much more likely than any other to excite a

deep feeling in the country, and to meet with firm and spirited opposition. He also knew that this was, in certain portions of the Union, a protected article, and would, in that sense, be considered as inserted in violation of the general principle by which the committee had proposed to govern their action. Under these convictions, he was consoled by the reflection that no State in the Union held so deep a stake in this article, as a domestic article, and one of domestic manufacture, as the State he had the honor in part to represent here. It was an important article to a large and most respectable class of the citizens of his State, as one of production and manufacture; and it was important to the State itself, as a source of revenue to the State treasury. In these aspects, he was fully aware of the delicacy of his position in having consented, as a member of the committee, to the insertion of salt as a free article, and in standing here to urge the Senate to repeal the duty upon it. He did, however, believe that the universal wish of his constituents was that the revenues of this Government should be reduced to the economical wants of its Treasury, and that they did not expect to reach that desirable result without themselves making their full share of sacrifices to the common object. He therefore relied upon their liberality and patriotism to justify him in the course he had pursued; and he did not doubt that they would justify their representatives upon this floor, and in the other House of Congress, in consenting to this reduction of more than half a million of tax upon one of the most prominent and universal necessaries of life, when the money raised upon it was not only not wanted for public expenditure, but was producing dangers to our institutions greater than any which those institutions have heretofore encountered—the dangers of an over-filled Treasury and a surplus revenue. He could not be mistaken in the opinion that if the country could be effectually discharged from these startling dangers, his constituents, patriotic and intelligent as they ever had been, and still are, would not only justify, but applaud, their representatives here, for coming forward and offering this sacrifice on their behalf, to reach so important a national good.

Mr. W. said the article of "wines" was another important article which had presented itself to the notice of the committee, and which they would have been inclined to make free, had it not been their duty also to notice and regard the stipulations in relation to wines in our late treaty with France. Those stipulations must be preserved with all the national faith which has throughout the whole history of our beloved country so signally distinguished her policy towards other nations; and, in the opinion of the committee, they put it out of the power of Congress to make any wines free until after the expiration of the term mentioned in the treaty, during which the wines of France were to have extended to them certain advantages, in our revenue laws, over the wines of other countries. Under this impression the committee have recommended a further reduction, to the extent of one half, of the existing duties upon all wines, from whatever country imported; thus preserving the proportions between French and other wines, stipulated by the treaty to be preserved in our future legislation upon this subject, and pursuing the same course of legislation which Congress has, upon two former occasions, since the ratification of the treaty, pursued in regulating the duties upon wines.

As intimately connected with this branch of the revenue from customs, the article of "spirits made from vinous materials" attracted the attention of the committee. They found the existing duties upon this description of spirits very high, ranging from fifty-three to eighty-five cents per gallon, according to the rates of proof at which the spirits may be imported; and that, by applying the same reduction to this class of duties which the committee propose to apply to wines themselves, they would be able to reduce the current revenue by a sum not less than from $275,000 to $300,000 per annum. It was not without much hesitancy and doubt that the committee adopted this recommendation. They were, and are, fully sensible that a proposition for the reduction of the duties upon any description of ardent spirits will not meet with favor in the minds of a very large portion of our citizens. They feel no certainty that it will receive the approbation of the Senate; but so deep was the conviction in the minds of a majority of the committee of the necessity of a reduction of every duty not protective in its character, to secure the preservation of those which are so, that they felt bound to make the proposition, and present it to Congress. The reduction in the revenue which will be effected by its adoption is so important in amount, that the committee hope it will receive the calm and candid consideration of Senators before a determination shall be made to diminish so extensively the beneficial action of the bill they present. To relieve the country from the incalculable evils growing out of a surplus revenue is the object of the bill; to do that without a reduction of the protecting duties has been the intention of the committee. They have, therefore, not touched the duty upon "spirits from grain;" and they cannot suppose that the reduction they propose upon one single other description of spirits will bring them at all into injurious competition with domestic spirits of any kind.

Mr. W. said he was extending his remarks further than he had designed, as discussion now was not his object. He would not, therefore, refer to any other articles affected by the two first sections of the bill. The two great articles of salt and spirits were the only ones which he supposed could excite much interest, or lead to much discussion or opposition. Hence he had desired to bring them more particularly to the notice of the Senate. It might be found that other articles had been unwisely inserted. It would be strange if, in so extensive a list, it should not be so; but they would not be important, and might be stricken out. It would also, no doubt, be found that some articles had been omitted which ought to be made free; and it might be the pleasure of the Senate, when acting upon the bill, to extend reduction to articles not now included. The examinations of the committee had been careful and diligent, but they had not been as extensive and perfect as they themselves could have wished, though as perfect as the time allowed them had permitted.

He would now, Mr. W. said, offer, very briefly, the apology which the committee had to offer for presenting the bill unaccompanied by any written report. If he had been fortunate enough to make himself understood by the Senate, in the remarks he had already made, it would be seen that no report could make the provisions of the bill more clear, or show more accurately its influence upon the revenue, and upon the articles embraced in it, than the statement prepared by the committee to accompany the bill would accomplish those purposes. The only object, therefore, of a report from the committee would be to give to the Senate their views, he would say their conjectures, as to the receipts and expenditures of the Government for the present and future years. After the most mature examination and reflection, it was the unanimous opinion of those members of the committee who were present, and acting in the matter, that they could make no report upon these points which would communicate to the Senate any new information, not already in the possession of every member of the body, or which would furnish any valuable or useful guides to the action of Congress upon the bill. Were it not proposed, by legislative action du-

ring the present session of Congress, to make great and important changes, affecting all branches of the revenue, and all the sources from which money comes into the public Treasury, calculations, estimates, conjectures, might be made as to the revenues of the present year; but all such calculations, even in that case, would be most vague and uncertain at best. The experience of the last two years has demonstrated the impossibility, with all the information which can be reached by those officers of the Government whose sole business and duty it is to manage our fiscal affairs, of so perfecting estimates upon this point that they may not disappoint us many millions. Distinguished and experienced legislators, too, have frequently attempted estimates with no better success, and no member of the Committee on Finance can pretend to information, or judgment, superior to those who have thus erred in their conjectures as to the receipts into our public Treasury for a given future period.

Add, then, the consideration that both branches of Congress are, at this moment, considering bills designed to diminish, for the future, the receipts into the Treasury from the sales of public lands, the impossibility that the committee should know whether any bill upon that subject will finally pass, and become a law; what may be the provisions of the bill which shall pass, in case any bill do pass; and what may be the effect, in practice, upon the receipts of money for land sales, of any given provisions which may be incorporated in any bill, and Mr. W. said he could not suppose it would be expected by the Senate that the Committee on Finance would have attempted any estimate of the amount to be reduced from the revenue from customs, in order to reduce the whole receipts into the Treasury to the standard of the economical wants of the Government. Against a body of contingencies and uncertainties of the magnitude and character specified, added to those which must always attend estimates of future revenue from uncertain sources, estimates in name would be more loose than ordinary conjectures; and so loose as to be of no other value than the mere conjectures of so many members of the body to which their report would be submitted. So much for the reasons which have led the committee to come to the conclusion not to attempt estimates, or calculations, or conjectures, as to the amount of money to come into the national Treasury during the present or any future year. They have satisfied themselves that the reductions from the revenue from customs proposed by the bill they recommend can be spared by the national Treasury, and leave it able to meet the necessary calls upon it. They do not pretend to say that further reductions will not be required to bring the revenue to the point so much desired, that of the economical wants of the Government. The receipts into the public Treasury are now greatly above that point. The committee have already said their examinations have convinced them that the great measures of reduction must be directed to that branch of the receipts arising from the sales of lands. They feel strongly the soundness of the principle, that reduction should be proceeded in cautiously and carefully; and, so far as that can be done, with a certainty that, while we are remedying one evil, we do not fall into another; that while we omit nothing which can be properly done to reduce the revenue to the wants of the Government, we do nothing calculated to carry us so far below that point as immediately to produce the necessity of again raising revenue by an increased rate of duties upon imports. These constant fluctuations, sudden and excessive changes in our revenue laws, and consequent agitations of the public mind, and uncertainties in the operations of mercantile and commercial men, Mr. W. said, he thought it most important, in any legislation, to avoid. Hence, he, as a member of the committee, had determined to pursue what he considered a safe course, neither endangering nor disturbing any important protected interest of the country, or the public Treasury in meeting the necessary calls upon it. He had not attempted to determine that the bill would do all that a full remedy for the existing evil demanded, but merely that, in the present state of uncertainty as to the other important branch of the public receipts, and the influences upon it of the instant legislation of Congress, it was all the committee had concluded, at present, to recommend, and that so much might be done safely.

Mr. W. said there was no less difficulty in making calculations and estimates upon the other side of this great account, the public expenditures. The ordinary expenditures of the Government, that portion of the expenses required to keep all the departments of the Government in organization and operation, were laid before us by the proper fiscal officer of the Government, and appropriations to that extent might be very safely calculated upon. All the information within the power of the committee upon this class of appropriations had been equally fully in the hands of every member of Congress, from the commencement of the session. No benefit here, then, could be derived from any report the committee could have made. All beyond this was within the pleasure of the two Houses of Congress and the President. What extraordinary appropriations they might see fit to make for fortifications, for the navy, for public defence generally, or for any other of the great objects calling for expenditures of money, it was not only out of the power of the committee to say, but would be in vain for them to attempt to conjecture. They could not, therefore, with any certainty, estimate the expenses of the year. Mr. W. said he felt conscious that the appropriations of Congress would, as he thought those appropriations should, be graduated by a due regard to the ability of the Treasury to pay, and the public and national wants to be supplied; but he also further believed that a redundant Treasury always promoted, not large merely, but extravagant appropriations; and one of his greatest anxieties to reduce the national revenues to the national wants arose from the conviction that in that way only can we preserve a system of economical expenditures. He would add no more upon this branch of the subject, hoping the Senate would find in these suggestions sufficient apology for the action of the committee in submitting the bill without any attempt at a report upon these vague uncertainties.

A single other remark, (said Mr. W.,) and he would relieve the Senate from listening to him further. He had not forgotten that another bill had been introduced elsewhere upon this same subject, and proposing to accomplish the same great purpose. He hoped he should not be considered as infringing, unpardonably, upon the rules of order, in making this reference to that measure. It might be supposed by some member of this body, it might be supposed by some member of the other House of Congress, or it might be supposed by some portion of our common constituents, that this bill, coming from the Committee on Finance, was designed to conflict with the measure referred to. For himself, (said Mr. W.,) he could say, with perfect truth, that no such motive or feeling had entered into his action. He was sure he could say the same for his colleagues upon the committee. They had considered the reference of the Senate, in the special manner in which it had been made, positive and mandatory upon them. A report of some sort was their duty, and the report which they believed most conformable to their duty, under the reference, was the bill he was about to present. The time for making their report was not a matter of their pleasure. If made in the shape of a bill, they were bound to make it in time to permit the possibility of action upon it; and they had

not been unfrequently reminded of the impatience of some members of the body for the conclusions to which they should come. Their delay had been unintentional and compulsory, and the advancement of the session had urgently admonished them that further delay would be equal to a failure to discharge the important and delicate duty intrusted to them. He (Mr. W.) thought that an examination of the two bills would satisfy every one that they could, in no sense, be antagonist to each other. The one proposes to add largely to the list of free articles, and to make material reductions upon two classes of articles not considered as belonging to the protected products or manufactures of the country. The other proposes to hasten, with very great rapidity, the reductions proposed to be made by the compromise act. It cannot, then, escape attention that there is no contradiction, in principle or action, between the two measures. Both may make too large or too rapid a reduction; but should the bill now presented fall short of its object, a sufficient reduction of the revenue from customs, it was his duty to say that no other mode of further material reductions had suggested itself to his mind, in the course of his examinations and reflections upon the subject, than to adopt the principle of that bill, moderated as to time so as to suit the exigency. He would further say, that he wished those most interested in the great and important provisions of the compromise act could see, as he thought he could see, that it was their peculiar interest to consent to a modification of that act, which should make its reductions of the revenue gradual and uniform from the present period to the year 1842; a little more rapid from this time to 1841, and much less precipitous and shocking to those interests from 1841 to 1842. As, however, the committee had no evidence before them of the feeling of the citizens most deeply interested in this policy, and as they had determined, if possible, to digest a bill which would meet with favor, and be passed into a law, they refrained from affixing any such condition to the bill they now report.

As to the instant effect of the two measures, (said Mr. W.,) he believed there would be little difference. The bill he held in his hand proposed to reduce a fraction over $2,400,000, from and after the 30th June next. The other measure to which he had referred, as he understood it, proposed to reduce about $7,000,000 at three periods stated; the first of which was the 30th of September next, and the only one of the three periods falling within the present year. That measure, however, was prospective, and this was not; but Congress would be again in session before that bill would have effected but one reduction, and the accounts of the Treasury for another year would have been laid before us, as our guide to future and further action. He would detain the Senate no longer.

Mr. WRIGHT having concluded his introductory remarks explanatory of the objects of the bill,

Mr. CLAY said that he wanted, at this early stage of the bill, to say only a word or two. I will begin, said he, with expressing the regret I feel that no written report accompanies this bill, and that the substitute with which we have been presented, in the verbal remarks of the Senator from New York, is not as satisfactory as I think it might have been. In considering the amount of revenue which the wants of any Government may require, two questions should be taken into view. First, the probable amount of the revenue to be received from the taxes; and, in the second place, the probable amount of the public expenditure. If Congress have no knowledge of these, how can they know what revenue is to be raised, or what reduction may be provided for? In both of these points, the Senator from New York has utterly failed to furnish the Senate with any information.

By way of getting rid of presenting to us the probable amount of revenue, the Senator states that the Finance Committee are not able to offer any thing but uncertain conjectures. But every man who has hitherto been charged with the finances of the country, whether a Secretary of the Treasury or the chairman of a Finance Committee, has supposed it important to go into conjectures or estimates on these subjects, and to approximate as far as possible to the truth, that the Government may be enabled to form some practical estimate of the amount to which they may with propriety tax the people. But if the Senator thinks he can justify himself for this omission, how will he justify it to the country, and to those great interests which are assailed by this bill, that we have been furnished with no information touching the amount of public expenditure; and without information on either point, how has he come to the conclusion that there can exist a redundant revenue, and that it is an evil so great as to call for the legislation of Congress?

But I have not risen simply to express my regret at the want of information under which we are invited to act. I have risen, at once, promptly to declare that I shall oppose, so far as my voice and my vote can go, this disturbance of the compromise arrangement made in March, 1833, under which the country has flourished in an unparalleled degree, and on which all parties have reposed as being durable and permanent.

In regard to the articles of salt and spirituous liquors, both of which, but salt especially, are articles which cannot be touched without a violation of that compromise, the former is one in which my State has little interest, as connected with a tax for protection. It is the great States of New York, Pennsylvania, Virginia, and Ohio, which are principally concerned in this question. In my own State, some of the article is manufactured, but we are so situated that the manufacture, as existing among us, derives no advantage from any protective duty. So far, therefore, as my constituents are concerned, I care not a particle if the duty shall be repealed *in toto*. But I oppose the measure because I view it as what has often and expressively been denominated an entering wedge; and because it is well known that all encroachments on the system may be expected to commence under plausible pretexts. The article of coal is an instance of this. In the depth of winter, when, during a season of intense cold, all are shivering for the want of a more abundant supply of fuel, the cry is raised to repeal the duty on foreign coal. So salt is known by every body to be an essential article of human subsistence, and it is seized upon as furnishing a plausible article on which the duty may be reduced, or dispensed with altogether.

But if these are all articles covered by the compromise, what security, what guarantee, can the country possess that the work of reduction is to stop at that point? Will not the process, ere long, reach to cotton and to woollens? Nay, are we not already notified, while, as I admit, the Senator has brought us a bill less exceptionable than a corresponding one which has been introduced elsewhere, that is not "antagonistical" (I believe the term is) to that measure; that there is no hostility between the two; and, if the purpose shall not be effected by this bill, for reducing the revenue to a sum not specified, that bill itself, or some kindred measure, must be resorted to? I want the country to know what is its actual condition. I want it to know whether that odious, that shocking list of articles, which has just been read by the Secretary, is to be brought up, session after session, for discussion and gradual action, till the whole protective system is destroyed. The country has a right to know whether the peace effected by the compromise of 1833 is to be respected; or whether it is to be assailed, first, in respect to articles calculated to excite public sympathy in their favor, and then those more important

ones are at length to be reached which are essential to the prosperity of the national industry.

I have now discharged what I believed to be a duty. You have the power, both in this House and the other; you can do in this matter as you think proper. Go on, then. Disturb, distract the country; reagitate the community; reopen its wounds, just closed; do this, if it seems to you good; take upon yourselves the awful responsibility; but you shall never do it with my consent, nor without my solemn protest.

Mr. WRIGHT, in reply, observed that he should not argue the bill at this time. He had at present but one duty to perform, which was to report the bill. He would say again that the Finance Committee considered the amount both of revenue and expenditure for the coming year so entirely dependent on the action of Congress, that, beyond the documents already on the tables of members, the committee could state no valuable fact for their consideration. He would move that the bill be made the special order of the day for Thursday next, and that, in the mean time, the statement which had been presented in company with the bill might be printed.

The printing having been ordered,

Mr. DAVIS observed that this measure was one of great importance, and worthy of great consideration. He considered it desirable to keep the country out of agitation; its prosperity depended more on that than this body seemed to be fully aware of; prosperity was impossible, under any policy, unless the nation had the assurance of something steady in that policy. The nation wanted rest; the people need repose, that they may know what to do. He had almost said that even a bad policy, if steady, was better than a comparatively good one, if unsteady and perpetually fluctuating. This was peculiarly true in relation to the manufactures of the country, because those who conducted these establishments, if they were able to look a few years ahead, could shape their mode of conducting business so as to meet the policy of the Governmennt. The bill proposed seriously to affect, among other articles, that of salt, in which Mr. D's State was largely interested, inasmuch as very large capitals were vested in establishments for its manufacture upon the seashore. Inasmuch, therefore, that the country might understand what was doing here, and what was sought to be accomplished by this bill, he would ask that one thousand extra copies of the statement which had accompanied the bill be printed.

This was agreed to.

The bill was then read a second time, and made the order of the day for Thursday next.

TREASURY CIRCULAR.

The following bill, which was yesterday ordered to be engrossed for a third reading, was accordingly read a third time:

A bill designating and limiting the funds receivable for the revenues of the United States.

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, required to adopt such measures as he may deem necessary to effect a collection of the public revenue of the United States, whether arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided: that is, that no such duties, taxes, debts, or sums of money payable for lands, shall be collected or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States, under the following restrictions and conditions in regard to such notes, to wit: from and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars shall be received on account of the public dues; and from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars shall be so receivable; and from and after the thirtieth day of December, one thousand eight hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

SEC. 2. *And be it further enacted*, That no notes shall be received by the collectors or receivers of the public money which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash: *Provided*, That if any deposite bank shall refuse to receive and pass to the credit of the United States, as cash, any notes receivable under the provisions of this act, which said bank, in the ordinary course of business, receives on general deposite, the Secretary of the Treasury is hereby authorized to withdraw the public deposites from said bank.

The question being on the passage of the bill,

Mr. BENTON rose and commenced his speech against its passage with stating the reason why he had not spoken the evening before, when the question was on the engrossment of the bill. He said that he could not have foreseen that the subject depending before the Senate, the bill for limiting the sales of the public lands to actual settlers, would be laid down for the purpose of taking up this subject out of its order; and, therefore, had not brought with him some memorandums which he intended to use when this subject came up. He did not choose to ask for delay, because his habit was to speak to subjects when they were called; and in this particular cause he did not think it material when he spoke; for he was very well aware that his speaking would not affect the fate of the bill. It would pass; and that was known to all in the chamber. It was known to the Senator from Ohio [Mr. EWING] who indulged himself in saying he thought otherwise a few days ago; but that was only a good-natured way of stimulating his friends, and bringing them up to the scratch. The bill would pass, and that by a good vote, for it would have the vote of the opposition, and a division of the administration vote. Why, then, did he speak? Because it was due to his position, and the part he had acted on the currency questions, to express his sentiments more fully on this bill, so vital to the general currency, than could be done by a mere negative vote. He should, therefore, speak against it, and should direct his attention to the bill reported by the Public Land Committee, which had so totally changed the character of the proceeding on this subject. The recision of the Treasury order was introduced a resolution—it went out a resolution—but it came back a bill, and a bill to regulate, not the land office receipts only, but all the receipts of the Federal Government; and in this new form is to become statute law, and a law to operate on all the revenues, and to repeal all other laws upon the subject to which it related. In this new form it assumes an importance, and acquires an effect, infinitely beyond a resolution, and becomes, in fact as well as in name, a totally new measure. Mr. B. reminded the Senate that he had, in his first speech on this subject, given it as his opinion, that two main objects were proposed to be accomplished by the rescinding resolution: first, the implied condemnation of President Jackson for violating the laws and constitution, and destroying the prosperity of the country; and, secondly, the imposition of the paper currency of the States upon the Federal Government. With respect to the first of these objects, he presumed it was fully proved by the speeches of all the opposition Senators who had spoken on this subject; and, with respect to the second,

he believed it would find its proof in the change which the original resolution had undergone, and the form it was now assuming of statute law, and especially with the proviso which was added at the end of the second section.

Mr. B. then took up the bill reported by the committee, and remarked, first, upon its phraseology, not in the spirit of verbal criticism, but in the spirit of candid objection and fair argument. There were cases in which words were things, and this was one of those cases. Money was a thing, and the only words in the constitution for that thing were, "gold and silver coin." The bill of the committee was systematically exclusive of the words which meant this thing, and used words which included things which were not money. These words were, then, a fair subject of objection and argument, because they went to set aside the money of the constitution, and to admit the public revenues to be paid in something which was not money.

The title of the bill uses the word "funds." It professes to designate the funds receivable for the revenues of the United States. Upon this word Mr. B. had remarked before, as being one of the most indefinite in the English language; and, so far from signifying money only, even paper money only, that it comprehended every variety of paper security, public or private, individual or corporate, out of which money could be raised. The retention of this word by the committee, after the objections made to it, were indicative of their intentions to lay open the federal Treasury to the reception of something which was not constitutional money; and this intention, thus disclosed in the title to the bill, was fully carried out in its enactments. The words "legal currency of the United States" are twice used in the first section, when the words "gold and silver" would have been more appropriate and more definite, if hard money was intended.

Mr. B. admitted that, in the eye of a regular bred constitutional lawyer, legal currency might imply constitutional currency; but certain it was that the common and popular meaning of the phrase was not limited to constitutional money, but included every currency that the statute law made receivable for debts. Thus, the notes of the Bank of the United States were generally considered as legal currency, because receivable by law in payment of public dues; and in like manner the notes of all specie-paying banks would, under the committee's bill, rise to the dignity of legal currency. The second section of the bill twice used the word "cash;" a word which, however understood at the Bank of England, where it always means ready money, and where ready money signifies gold coin in hand, yet with the banks with which we have to deal it has no such meaning, but includes all sorts of current paper money on hand, as well as gold and silver on hand.

Mr. B. verified this statement by reading from the sworn return of the Clinton Bank of Columbus, one of the deposite banks, made to the Legislature of Ohio at their present session, and where the available means of the bank, among other items, has one thus stated: "Cash on hand, viz: Eastern bank notes, $34,521; Western do. $65,700; gold and silver, $136,389." This return is sworn to by Wm. Neil, president, and J. Delafield, jr., cashier, before 'Squire Jenkins, justice of the peace; and it is certified and declared by ten directors of the bank to be correct and accurate; so that no doubt can be entertained that, in the vocabulary of the Clinton Bank of Columbus, the word "cash" signifies Eastern and Western paper, as well as gold and silver; and in this case the vocabulary of that bank is superior to all the dictionaries, for it is a deposite bank, and will have the execution of the act, if it passes, in its own hands, and will decide for itself what is and what is not cash.

Having shown from this authentic statement that a deposite bank in the West construed cash on hand to be bank notes on hand, Mr. B. would now show the same construction made by 130 banks in a lump, and that in a part of the Union where correctness of phraseology was as much or more attended to than in any other part. He spoke of Massachusetts, and of the official return made by all the banks in that State to the Legislature of the State, now in session at Boston. In the consolidated returns of these 130 banks, he found the following items: "Cash deposited, not on interest, $8,784,516; cash deposited, on interest, $6,447,928; gold, silver, and other coin, $1,455,230." Here (said Mr. B.) is the highest evidence that this word "cash," in the vocabulary of our banks, comprehends paper money; and he had no doubt but that proofs to the same effect might be accumulated to any amount. He had not looked out for such proofs; what he had used had fallen into his hands in the common current of his reading, since this bill had been reported. But why look abroad for proofs? Let every gentleman look to his own knowledge. Does he not every day hear the word "cash" used to include paper money? Does he not daily see sales of property advertised, and the terms stated to be cash; and under these terms is it not understood, by all parties, that ready pay in bank notes, as well as in hard money, are the terms intended? And has the instance ever been heard of, that a bidder going to one of these cash sales thought it necessary to supply himself with gold and silver, under the belief that current bank notes would not be received as cash? Certainly, said Mr. B., the original idea of cash, as used at the Bank of England, where it means British gold coin on hand, in contradistinction to foreign gold coin on hand, which is always called bullion, is now lost in this country; and that paper money is just as fully comprehended now, throughout our country, under the term "cash," as hard money is. But why argue, or look to proofs, or even refer to our own knowledge? Look to the proviso to the second section to the committee's bill, and it will be seen that it is not only the intention of that bill that paper money may be, but that paper money shall be, included under the term "cash." These are the words: "*Provided*, That if any deposite bank shall refuse to receive, and pass to the credit of the United States, as cash, any notes, receivable under the provisions of this act, which the said bank, in the ordinary course of its business, receives on general deposite, the Secretary of the Treasury is hereby authorized to withdraw the public deposites from said bank." These are the words, and they are not only declaratory of the committee's meaning that paper money is to be considered as cash, but is clearly expressive of their purpose, that it shall be received as such. The point to which such an enactment would soon bring the federal finances, Mr. B. said, might be seen in a certificate of general deposite granted by the Clinton Bank of Columbus, of which he would read a copy:

"No. 276. Clinton Bank of Columbus, 31st December, 1836.—B. S. Brown has deposited twelve hundred dollars, subject to the order of himself, payable in currency, and return of this certificate. Signed, &c."

Yes, said Mr. B, currency, payable in currency! such will quickly be the revenues of the Federal Government under this enactment to compel deposite banks to credit current paper as cash.

Mr. B. said it would be sufficient, he should think, to point out the meaning of the words used in the committee's bill, to show that they were susceptible of a construction by which this hard-money Federal Government, as it was intended to be by its framers, may be changed into a paper-money Government. It would be sufficient to excite apprehension to see the systematic use of these terms, even after objection made to them, and the system-

atic exclusion of the terms used in the constitution, even after their insertion is solicited; but all room for mistake vanishes when we come to look to this proviso, and to see that the deposite banks are not only required to credit paper as cash, but are to be punished by a loss of the public deposites if they do not so credit it!

Having remarked upon the phraseology of the bill, and shown that a paper currency, composed of the notes of a thousand local banks, not only might become the currency of the Federal Government, but was evidently intended to be made its currency; and that, in the face of all the protestations of the friends of the administration in favor of re-establishing the national gold currency, Mr. B. would now take up the bill of the committee under two or three other aspects, and show it to be as mistaken in its design as it would be impotent in its effect. In the first place, it transferred the business of suppressing the small-note circulation from the deposite branch to the collecting branch of the public revenue. At present, this business was in a course of progress through the deposite banks, as a condition of holding the public moneys, and, as such, had a place in the deposite act of the last session, and also had a place in the President's message of the last session, where the suppression of paper currency under twenty dollars was expressly referred to the action of the deposite banks, and as a condition of their retaining the public deposites. It was through the deposite banks, and not through the reception of local bank paper, that the suppression of small notes should be effected. In the next place, he objected to the committee's bill, because it proposed to make a bargain with each of the thousand banks now in the United States, and the hundreds more which will soon be born, and to give them a right--a right by law--to have their notes received at the federal Treasury. He was against such a bargain. He had no idea of making a contract with these thousand banks for the reception of their notes. He had no idea of contracting with them, and giving them a right to plead the constitution of the United States against us, if, at any time, after having agreed to receive their notes, upon condition that they would give up their small circulation, they should choose to say we had impaired the contract by not continuing to receive them; and so either relapse into the issue of this small trash, or have recourse to the judicial process to compel the United States to abide the contract, and continue the reception of all their notes. Mr. B. had no idea of letting down this Federal Government to such petty and inconvenient bargains with a thousand moneyed corporations. The Government of the United States ought to act as a Government, and not as a contractor. It should prescribe conditions, and not make bargains. It should give the law. He was against these bargains, even if they were good ones; but they were bad bargains, wretchedly bad, and ought to be rejected as such, even if all higher and nobler considerations were out of the question. What is the consideration that the United States is to receive? A mere individual agreement with each bank by itself, that in three years it will cease to issue notes under ten dollars, and in five years it will cease to issue notes under twenty dollars. What is the price which she pays for this consideration? In the first place, it receives the notes of such bank as gold and silver at all the land offices, custom-houses, and post offices, of the United States, and, of course, pays them out again as gold and silver to all her debtors. In the next place, it compels the deposite banks to credit them as cash. In the third place, it accredits the whole circulation of the banks, and makes it current all over the United States, in consequence of universal receivability for all federal dues. In other words, it endorses, so far as credit is concerned, the whole circulation of every bank that comes into the bargain thus proposed. This is certainly a most wretched bargain on the part of the United States—a bargain in which what she receives is ruinous to her; for the more local paper she receives in payment of her revenues, the worse for her, and the sooner will her Treasury be filled with unavailable funds.

But what is worse is, that in order to make this ruinous bargain—a bargain by which the Treasury would be immediately filled with many ten millions of unavailable funds--we shall have to reject the proper, cheap, speedy, and effectual mode of suppressing these small notes which is now in our power, and not only in our power, but offered and pressed upon us. Mr. B. alluded to the propositions of the deposite banks to effect this suppression, not only for themselves, but on other banks also, which were now in the Treasury Department, and waiting the action of the Government. He himself had communicated with a great number of these banks, both personally and by letter, and knew that many of the most respectable deposite banks were not only willing, but ready and anxious to enter into arrangements with the Treasury Department for the effectual and speedy accomplishment of this purpose. Two years ago, he said, the Secretary of the Treasury had addressed a circular letter to the deposite banks, to know if they were willing to give up their small-note circulation, as a part of the conditions on which they were to retain the public deposites. He held a copy of that circular in his hand, and knew that many favorable answers had been received, and was certain that they presented the ready and far preferable mode of suppressing this small-note circulation.

Mr. B. repeated, it was not in Congress only that he had worked at this object; he had communicated with many banks; and, from those of large business and high character, he had invariably received the strongest assurances, not only of a readiness, but of a wish to cooperate with the Government in this good work. He would read from one communication, a letter from Mr. Campbell P. White, president of the Manhattan Bank, New York, and would show the resolutions which that gentleman had drawn up and sent to him (Mr. B.) at the commencement of this session, to accomplish this object. This is the extract:

"I submit to you two resolutions that I think should be passed by a concurrent vote of the two Houses of Congress. The large amount of specie, above seventy millions of dollars, now in the United States, makes it a favorable moment, if not an imperative duty, to repress the circulation of all bank notes under the denomination of twenty dollars. As some persons question the constitutional power, and others the expediency, of resorting to taxation for this purpose, none can object to making it a condition for retaining the public deposites, that the deposite banks shall check and repress the emission of paper, so as to secure to us that portion of the money in circulation in the world which our exchangeable products bear to the whole exchangeable products of the world, and which we should ever enjoy, were it not driven out by the substitution of the shadow for the substance--the substitution of paper for gold and silver."

This is the extract of the letter, (said Mr. B.,) and the sentiments in it are worthy of the gentleman who, as a former member of Congress, was one of those most instrumental in reviving the gold circulation, by taking a lead in correcting the erroneous standard of our gold. The following are the two resolutions communicated at the same time:

"*Resolved*, That from and after the 4th day of July, 1837, no bank shall be employed, or continued in the employment of the Treasury of the United States as a deposite bank, unless they shall previously engage, in writing, under their corporate seal, to issue and put in

circulation no bank note or bank check of a less denomination than ten dollars; and, also, that they will not receive on deposite, or in payment, any bank note or bank check of a less denomination; nor the bank notes or bank checks of any bank, of any denomination, on deposite or in payment, after such period, that issues or puts in circulation bank notes or bank checks of a less amount than ten dollars, as aforesaid."

"*Resolved*, That from and after the 4th day of July, 1838, no bank shall be employed, or continued in the employment of the Treasury of the United States as a deposite bank, unless they shall previously engage in writing, under their corporate seal, to issue and put in circulation no bank note or bank check of a less denomination than twenty dollars; and, also, that they will not receive on deposite or in payment any bank note or bank check of a less denomination; nor the bank notes or bank checks of any bank, of any denomination, on deposite or payment, after such period, that issues or puts in circulation bank notes or bank checks of a less amount than twenty dollars, as aforesaid."

These (said Mr. B.) are the propositions now made to us by a bank of the highest character; and he knew many others which were ready to agree to the same propositions. Compare them with this bill, if it is possible to institute a comparison between two such objects, and observe the immeasurable difference between them. First, in the nature of the process: here there is no bargain, no contract; but Congress is requested to act as a Government, not to deal like a contractor, and to prescribe the conditions on which the deposite banks are to accomplish our purpose. In the next place, so far from making a contract for the receivability of their notes in exchange for the suppression of the small ones, there is not even a wish expressed for such reception. In the third place, as to the promptness and efficiency of their action in suppressing the small notes. Instead of waiting three years for putting down those under ten dollars, it is proposed to be done in four months; so far from waiting five years for putting down those under twenty dollars, it is to be done in less than one year and a half. Next, as to the efficiency of the action of the two modes: the bill of the committee acts upon but one bank at a time, and upon the notes only of that one bank, leaving the door open to checks, and the use of the notes of other banks; the proposition of the Manhattan Bank, and which may be considered as a sample of those from all the banks of high character, operates in three different ways, and upon multitudes of banks at the same time. 1. The deposite bank is to bind itself, under its corporate seal, neither to issue nor to put in circulation any bank note or bank check under the denomination of ten dollars, after the 4th of July next, or of twenty dollars after the 4th of July, 1838. 2. It binds itself, in like manner, not to receive on deposite or in payment any bank note or bank check of less denominations, after the said terms. 3. It binds itself, in like manner, not to receive the notes or checks, of any denomination whatever, of any bank whatever which continues after those dates to issue or circulate notes or checks under the respective amounts of ten and twenty dollars. This (said Mr. B.) is what the respectable banks are ready to submit to, if Congress will only act as a Government, and prescribe conditions for all the deposite banks; which, in their turn, are to operate upon all other banks, instead of entering into petty bargains with each bank by itself. One acts effectually, and upon masses; the other acts ineffectually, and upon units. One demands no price; the other is to have the incalculable price of having their paper made legal currency, and put upon a footing, in the receipts and expenditures of the Federal Government, with the gold and silver of the constitution! By one mode, our work will be done speedily and effectually; by the other, tardily and ineffectually. Why grant these three and five years? The only object of delay is to give the banks time to gather specie from abroad to supply the place of the small bills. But that is done to their hand. The Government has done it. The specie is here, and will go away if we do not create a home demand for it. Instead of beginning to suppress their notes, the local banks will put it off to the last moment of the three and five years, and double their small issues in the mean time, to make profit while they can. There is specie enough now, and it is increasing every day. Arrivals from abroad are daily announced. Five hundred thousand dollars arrived at New Orleans on two days only of this month, the 9th and 10th of January. If our hard-money measures are continued, specie will continue to increase for years to come as it has for four years past—at the average rate of more than ten millions per annum. The delay proposed by this bill is not only unnecessary, but injurious to its own object; the mode of acting is either ineffectual or ruinous. There are now a thousand banks in the United States, and the distributions of the surplus are breeding multitudes more. If all these banks accept the terms, then our Treasury is ruined by becoming the receptacle—the tomb—of all their paper; if half or a quarter refuse, or even a hundred, then the bill will be ineffectual; for these refusing banks will turn all their strength upon the issue of small paper. Mr. B. said here was a terrible dilemma. If the majority of the banks accept the terms, then they ruin the Treasury; if they do not, then they continue to injure the country; and he quoted, to sustain his opinion of the inefficiency of this mode of acting, the following sentiments expressed, when the United States Bank charter was under consideration, in 1832, by a Senator from Massachusetts, [Mr. WEBSTER:]

"It may, perhaps, strike some gentlemen that the circulation of small notes might be effectually discouraged by refusing to receive not only all such notes, but all notes of such banks as issued them, at the custom-houses, land offices, post offices, and other places of public receipt, and by causing them to be refused also, either in payment or deposite, at the Bank of the United States. But the effect of such refusal may be doubtful. It would certainly, in some degree, discredit such notes, but in all probability it would not drive them out altogether; and, if it should not do this, it might, very probably, increase their circulation. If in some degree they become discredited, to that degree they would become cheaper than other notes; and universal experience proves that, of two things which may be current, the cheaper will always expel the other."

Mr. B. had been at work for five years to procure the suppression of paper money under twenty dollars. His exertions, on that point, had brought him into communication with the officers of many banks; and it was due to them to say, that all the banks of high character, with which he had communicated, were in favor of the suppression of small notes; and he was fully persuaded that many of them, and as a mere condition of retaining the public deposites, if the deposite banks were reduced to the proper number, would give up their circulation entirely, and introduce into our country the example of banks of discount, deposite, and exchange, alone, as they exist in Europe, and where they give all the real benefits of banks, without the dangers and mischiefs of issuing paper money. In his opinion, about thirty deposite banks were enough; they were more places of deposite than existed during the time of the Bank of the United States, which had but twenty-four branches; and if the deposites were confined to about thirty banks of good capital and high character, these banks would immediately, that is to say, within one or two years, and now while we have the specie to justify the operation, enter

heartily into the measure of putting down the circulation of notes under twenty dollars. With the additional inducement of relinquishing the interest which they now pay on deposites, he felt certain they would quickly accomplish this great work for the country. Now is the time, as Mr. C. P. White says in his letter, now is the time to do it, when our specie is between seventy and eighty millions of dollars. Certainly this is the time, while forty-five millions of that specie is locked up in the vaults of banks—and while our paper circulation is so redundant as to have undergone a depreciation which is heavily felt in the price of every article of consumption by all persons who live upon wages and fixed income. This is the time to effect the suppression; and it was afflicting to see it lost; for to postpone it five years was to lose the golden opportunity. And at whose instance was this to be done? At the instance of the small banks—the two-and-sixpenny concerns—to which it was an object to put out small notes, for the sake of the gain to the bank upon the loss to the community, in the wear and tear of small notes. Mr. B. said it was the small banks which cling to the small notes, and some of them since they became deposite banks, and in violation of the deposite law. He would give an instance; it was from that same Clinton Bank of Columbus, from which he had before read. In the statement of its condition made to the Legislature of Ohio on the 9th day of January of the present year, the circulation of the bank is thus stated: One-dollar bills, $6,226; two-dollar do. $4,916; three-dollar do. $6,669; five do. $60,085, ten do. $10,910; twenty do. $12,140; fifty do. $13,400; one hundred do. $300. Now, here is a bank whose total circulation is $115,000, and of which the whole, except about $25,000, is under twenty dollars; and yet this bank, on this question, and in this chamber, is to outweigh the Manhattan, and the other great banks of the country!

Mr. B. said it was curious to observe that the small country banks in England had governed the legislation of the British Parliament in the suppression of the small notes, precisely in the manner now going on in this country, and with the same disastrous results there which may be expected to ensue here. He would, to show this, read an extract from the testimony of the governor of the Bank of England, Mr. Horsley Palmer, before Lord Althorp's committee, in 1832. He says:

"By the resolution of the House of Commons of 1819, the Bank of England was required, within four years, to pay off in gold the amount of their one-pound notes then in circulation, (about £7,500,000;) further, to provide the coin for paying off the country small notes in 1825, (about £7,800,000 more;) in addition to which, the necessity was imposed of providing the requisite surplus bullion for insuring the convertibility of all their liabilities; which addition of bullion to their stock could not be estimated at less than £5,000,000; making in the aggregate £20,000,000 of gold as necessary to be procured from foreign countries within the space of four years from 1819. The bank cancelled their own small notes in 1821, (two years before the time limited by Parliament.) In 1822, being three years prior to the time fixed by Parliament, they were in a situation to furnish the gold for paying off the country small notes, (that is, they had procured the whole 20 millions in gold, near 100 millions of dollars, from foreign countries in three years,) when, without any communication with the bank, the Government thought proper to authorize a continuance of the circulation of the country small notes until 1833."

Mr. B. said it was here seen that the governor of the Bank of England complained that, when the Bank of England had procured twenty millions sterling in gold in three years, (equal to near one hundred millions of dollars,) and had suppressed its own small notes, and had gold enough to supply the place of all the country banks' small notes, that these country banks got the time extended for the suppression of theirs—got it done in Parliament, without consultation with the Bank of England—and extended up to the year 1833. This is the testimony of the governor of the bank, and the point of it is this: that the Parliament lost the golden moment of doing the great work, and lost it by conforming to the interest of the small country banks, whose friends were numerous and powerful in Parliament, in opposition to the interest of the empire, and against the wishes of the Bank of England. The rest is matter of history. That history is, that these country banks never enjoyed the seven years which Parliament granted them. Having seven years to go upon, they resolved to make hay while the sun was shining. So to work they went, and put out more small notes than ever. The consequence was, the vast and disastrous explosion of the paper system which took place in 1825, an explosion which covered all England with the wrecks of broken fortunes, and in which so many families who thought themselves affluent were suddenly sunk, without any fault of their own, and, as if by magic and enchantment, from the enjoyment of wealth and happiness, to the sufferings of poverty, misery, and despair. History, said Mr. B., is said to be philosophy teaching by example. But how many of her lessons are lost upon the world! Here is a great lesson given to us in our own time, and by the nation from whom we have borrowed our whole system of banking. Yet this lesson is lost upon us; and we must go through her sufferings, and learn it ourselves, as she did, before we can know it. Our circumstances are the same; we have accumulated upwards of 70 millions of gold and silver; it is increasing every day; we are ready for the operation of drawing in small notes, and putting out hard money; the strong and respectable banks wish us to do it; the public interest requires it to be done; the policy of President Jackson's administration prescribes it; yet we lose the golden opportunity; we put it off for five years! and instead of adopting an efficient course to act upon masses of banks, and upon every variety of their circulation under twenty dollars, we take an impotent, inefficient course, and to act upon units, and upon the notes which they issue only, and by way of bargain, which either party may terminate when it pleases, a bargain which must be fatal to our Treasury if the banks accept it!

Mr. B. having gone over these objections to the committee's bill, would now ascend to a class of objections of a higher and graver character. He had already remarked that the committee had carried out a resolution, and had brought back a bill; that the committee proposed a statutory enactment, where the Senator from Ohio, [Mr. EWING,] and the Senator from Virginia, [Mr. RIVES,] had only proposed a joint resolution; and he had already further remarked, that in addition to this total change in the mode of action, the committee had added what neither of these Senators had proposed, a clause, under a proviso, to enact paper money into cash—to pass paper money to the credit of the United States, as cash—and to punish, by the loss of the deposites, any deposite bank which should refuse so to receive, so to credit, and so to pass, the notes "receivable" under the provisions of their bill. These two changes make entirely a new measure—one of wholly a different character from the resolutions of the two Senators—a measure which openly and in terms, and under penalties, undertakes to make local State paper a legal tender to the Federal Government, and to compel the reception of all its revenues in the notes "receivable" under the provisions of the committee's bill. After this gigantic step—this colossal movement—in favor of paper money, there was but one

step more for the committee to take, and that was to make these notes a legal tender in all payments from the Federal Government. But that step was unnecessary to be taken in words, for it is taken in fact, when the other great step becomes law. For it is incontestable that what the Government receives, it must pay out; and what it pays out becomes the currency of the country. So that when this bill passes, the paper money of the local banks will be a tender by law to the Federal Government, and a tender by *duresse* from the Government to its creditors and the people. This is the state to which the committee's bill will bring us! and now, let us pause and contemplate, for a moment, the position we occupy, and the vast ocean of paper on which we are proposed to to be embarked.

We stand upon a constitution which recognises nothing but gold and silver for money; we stand upon a legislation of near fifty years, which recognises nothing but gold and silver for money. Now, for the first time, we have a statutory enactment proposed to recognise the paper of a wilderness of local banks for money, and in so doing to repeal all prior legislation by law, and the constitution by fact. This is an era in our legislation. It is statute law to control all other law, and is not a resolution to aid other laws, and to express the opinions of Congress. On this point he must be permitted to refer to what he had said in a former part of this debate, when he dwelt upon the difference between an act of Congress and a resolution of Congress, and congratulated himself that no act of the national Legislature had ever attacked the great fundamental acts for the collection of the revenues in the gold and silver money of the constitution. This is what he then said:

"The exclusion of paper money was as carefully enforced by the constitution as the adoption of gold and silver was sedulously guarded. The words of the constitution and the history of the times, and especially the 44th No. of the Federalist, written by Mr. Madison, all prove this. The early legislation of Congress conformed to the words and spirit of the constitution, and adopted the plainest and strongest language to guard the currency which it had adopted. The two acts fundamental for the collection of the two great branches of the reveuue--lands and customs: that of 1789 for the latter, and 1800 for the former—were express that gold and silver coin only should be received for the customs, and specie and evidences of the public debt only, for the public lands. These two great acts, being faithful interpreters of the constitution, have never been openly attacked in either House of Congress. In all the changes which subsequent legislation has made in the laws, of which the hard-money enactments are part, these clauses have been retained in the same, or equivalent, expressions; so that a hard-money currency still remains the constitutional and the statutory currency of the Federal Government. Temporary enactments in favor of Treasury notes, and United States Bank notes, have ceased; and the joint resolution of 1816 neither does nor can repeal a law. Resolutions, whether joint or several, are not the mode of national legislation. They are only declaratory of facts or principles, or expressive of the opinions and purposes of the House or Houses from which they emanate. The joint resolution differs from the single in nothing but in being the declaration, the opinion, or the purpose, of both Houses, instead of one. This being the case, and the two fundamental enactments of 1789 and 1800 being still in force, as retained in subsequent alterations of the laws to which they belong, the question is, how comes it that they have been treated as dead letters on the statute book, and paper money received in place of the hard money which they imperatively required? The answer to this question," &c.

This is what was said four or five weeks ago, said Mr. B.; and strong as he felt in the correctness of what he then said, he would yet now reinforce it with authority—authority drawn from different sources—but both entitled to deference in this debate. The first was from Mr. Jefferson's Manual, and to show the nature of a resolution, and wherein it differed from a statute. Mr. Jefferson says, of the two Houses of Congress: "Facts, principles, their own opinions and purposes, are expressed in the form of resolutions." Here, then, is the office and nature of a resolution: it is to declare a fact, or a principle, or to express an opinion or purpose of the House or Houses. In these senses innumerable resolutions have been passed by Congress, and in the third of these senses, that of expressing an opinion, the joint resolution for the better collection of the revenues was passed in 1816. It was a resolution in aid of the constitution and the hard-money statutes, and not in derogation, or repeal, of them. On the next point, that no open attack had ever been made, in the legislation of Congress, on the hard-money statutes, he would quote the Senator from Massachusetts, [MR. WEBSTER,] whose speeches on this subject he had often read with satisfaction and profit. He quoted from a speech of 1816, on the bill to charter the late Bank of the United States:

"No nation had a better currency than the United States. There was no nation which had guarded its currency with more care; for the framers of the constitution, and those who enacted the early statutes on this subject, were hard-money men; they had felt, and therefore duly appreciated, the evils of a paper medium; they therefore sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin: this was a subject in regard to which Congress had run into no folly."

This (said Mr. B.) settles the question up to 1816. It shows that up to that time Congress had run into no folly on this subject; it had passed no act to impair the constitutional currency—done nothing to derogate from the early hard-money statutes, and the hard-money clauses of the constitution. All was safe on the statute book up to 1816; and the joint resolution of that year, as he had often said, was in aid, and not in derogation, of these early statutes. The legislation since 1816 is within our own knowledge. Leaving out temporary enactments in favor of scrip, Treasury notes, &c., and the term used is always the same, or the equivalent, of what is found in the constitution. The act of 1820, for reducing the price of the public lands, directs them to be sold for "cash." The word "cash" is there used as ready money, and that the hard money of the constitution. The framers of that act were also hard-money men, for they had just got a tremendous lesson from the paper system. They had just gone through the paper agonies of the late war. Hard money, then, by our constitution, and by all our statute laws, is still on the statute book the only legal currency of the Federal Government; and now, for the first time in near fifty years, is a statute proposed to repeal all these hard-money statutes, and to make the paper of a myriad of banks, known and unknown, born and to be born, the legal currency of the Federal Government. And, at what a time is this proposition made? At the time when the country contains more specie than it ever saw before; when banks of the highest character are for checking paper money; and while that President is still alive, and in power, who has made it the pride and glory of his administration to revive and extend the gold and silver currency.

Mr. B. said, the effects of this statute would be, to make a paper government—to insure the exportation of our specie—to leave the State banks without foundations to rest upon—to produce a certain catastrophe in the whole paper system—to revive the pretensions of

the United States Bank—and to fasten, for a time, the Adam Smith system upon the Federal Government and the whole Union.

Mr. B. then inquired, emphatically, what was the system of Adam Smith? and then said that Dr. Smith should answer this question himself, and that he would read the extracts from his works which would exhibit his response. This inquiry was rendered the more necessary, because, having named Dr. Smith as the founder of the paper system in England, the Senator from Virginia [Mr. RIVES] had thought him mistaken, and maintained the contrary. He then read the following extracts:

"The substitution of paper in the room of gold and silver money replaces a very expensive instrument of commerce with one much less costly, and sometimes equally convenient. Circulation comes to be carried on by a new wheel, which it costs less to erect and maintain than the old one. There are several different sorts of paper money; but the circulating notes of banks and bankers are the species which is best known, and which seems best adapted for this purpose. When the people of any particular country have such confidence in the fortune, probity, and prudence, of a particular banker, as to believe that he is always ready to pay, upon demand, such of his promissory notes as are likely to be presented to him, those notes come to have the same currency as gold and silver money, from the confidence that such money can at any time be had for them. A particular banker lends among his customers his own promissory notes, to the extent we shall suppose of £100,000. As these notes serve all the purposes of money, his debtors pay him the same interest as if he had lent them so much money. This interest is the source of his gain. Though some of these notes are continually coming back upon him, part of them continue to circulate for months and years together. Though he has generally in circulation, therefore, notes to the extent of £100,000, yet £20,000 in gold and silver may frequently be a sufficient provision for answering occasional demands. By this operation, therefore, £20,000 in gold and silver perform all the functions which £100,000 could otherwise have performed; £80,000 of gold and silver, therefore, can, in this manner, be spared from the circulation of the country; and if different operations of the same kind should, at the same time, be carried on by different banks and bankers, the whole circulation may thus be conducted with a fifth part only of the gold and silver which would otherwise have been requisite. Four fifths, therefore, of a full circulation of gold and silver may be exported. But though so great a quantity of gold and silver is thus sent abroad, we must not imagine that it is sent abroad for nothing, or that its proprietors make a present of it to foreign nations. They will exchange it for foreign goods of some kind or another, in order to supply the consumption either of some other foreign country, as their own."—*Vol.* 1, *pages* 434, '5, '6, '7.

"A paper money consisting in bank notes, issued by people of undoubted credit, payable upon demand without any condition, and in fact always readily paid as soon as presented, is, in every respect, equal to gold and silver money; since gold and silver money can at any time be had for it. Whatever is either bought or sold for such paper must necessarily be bought or sold as cheap as it could have been for gold and silver. The increase of paper money, it has been said, by augmenting the quantity and consequently diminishing the value of the whole currency, necessarily augments the money price of commodities. But as the quantity of gold and silver which is taken from the currency is always equal to the quantity of paper which is added to it, paper money does not necessarily increase the quantity of the whole currency."—*Vol.* 1, *p.* 490.

"The Bank of England is the greatest bank of circulation in Europe. It was incorporated, in pursuance of an act of Parliament, by a charter under the great seal, dated the 27th of July, 1694. It at that time advanced to Government £1,200,000 for an annuity of £100,000, or for an annuity of £96,000 a year interest, at the rate of 8 per cent., and £4,000 a year for the expense of management. The stability of the Bank of England is equal to that of the British Government. All that it has advanced to the Government must be lost before its creditors can sustain any loss."—*Vol.* 1, *p.* 479.

The bank has lent its whole capital, now about fourteen and a half millions sterling, to the Government; so that the Government stands security for the bank to that amount, being near seventy millions of dollars.

"Joint stock companies are well adapted to carry on the trade of banking. The constitution of joint stock companies renders them in general more tenacious of established rules than any private copartnery. Such companies, therefore, seem extremely well fitted for this trade. The principal banking companies in Europe, accordingly, are joint stock companies, many of which manage their trade very successfully, without any exclusive privilege."—*Pages* 146, 148, *vol.* 3.

"If bankers are restrained from issuing any circulating bank notes, or notes payable to the bearer, for less than a certain sum, (£5 sterling,) and if they are subjected to the obligation of an immediate and unconditional payment of such bank notes as soon as presented, their trade may, with safety to the public, be rendered, in all respects, perfectly free. The late multiplication of banking companies, in both parts of the United Kingdom, an event by which many people have been much alarmed, instead of diminishing, increases the security of the public. In general, if any branch or any division of labor be advantageous to the public, the freer and more general the competition, it will always be the more so."—*Vol.* 1, *pages* 498, '9.

This, said Mr. B., is the answer of Dr. Smith; and if it does not constitute him a paper-system man, there is certainly no virtue in language, and no power in words. He is for the Bank of England, he is for joint stock banks, he is for individual bankers, and he is for making the banking trade, on condition of issuing no notes under £5, and promising to pay them on demand, as free as any other trade in the country; and he thinks the greater the number of banks, the greater the security of the public. He is for a currency, four parts paper and one part gold; and he is in favor of exporting every four guineas out of five, and of supplying the place of the exported gold by paper money issued by the Bank of England, by joint stock companies, by individual bankers, and by any person that chooses to issue paper, and promises to pay it on demand in gold, and agrees not to issue any note below £5. This is his system; a paper system out and out, and without one mitigating feature in it except the £5 limit, which to us looks like a restriction, but was in reality an enlargement of the banking privilege; for at the time that Dr. Smith wrote, above fifty years ago, the Bank of England issued no note of less denomination than £10. This is the sytsem of Dr. Smith; a system that has blown up in England three times in twenty-five years; which is now upon the eve of another catastrophe, and requiring and receiving the interposition of the British Government to save it; which is now in all that concerns banks of issue, except the issues of the Bank of England, condemned even by his own political school in England; and which system, brought into our country by General Hamilton, above forty years ago, maintaining a struggle with our institutions ever since, it is now proposed to fasten upon the Federal Government by law.

Mr. B. proceeded to other objections to the committee's bill. It gave the Secretary of the Treasury, in the

first section, a boundless discretion to do what he thought necessary to effect the collection of the revenues in the currencies specified in the section; and it gave him, in the second section, a supervisory power and control over the receivability of all local bank paper; and it gave him, in the proviso to that section, a power to punish any deposite bank which should refuse to receive and pass, as cash, to the credit of the United States, the notes "receivable" under that act, and received in the ordinary course of its business, on general deposite. This was a power which he did not wish to see any Secretary of the Treasury possess. He did not wish to see any one vested with power to operate upon the hopes and fears of a thousand banks; nor did he wish to see a thousand banks invested with claims, and placed in a position to operate upon the hopes and fears of any Secretary. He did not wish to see the members of Congress, who possessed an interest or took an interest in local banks, marching in columns upon the Treasury Secretary, and soliciting him to admit the banks which they represented to be admitted to the favor of furnishing a national currency for the Federal Government. Such things gave a Secretary too much power over banks and members, or they might give the banks and the members too much power over him. Mr. B. was the friend of the new administration; had assisted to create it, and, of course, had confidence in it; but he objected to vesting it with this extraordinary power. He wanted law, and not executive or departmental grace or discretion, for the tenure of his rights. Wherever law could be applied, he wanted it applied. This was a case in which it could be applied. It was a case in which it was easy to apply it. It was only to let the old statues, and the constitution, remain in force, and follow out the policy of President Jackson, and gold and silver would remain the sole currency for the receipts and expenditures of the Federal Government. Besides his objections to the power which this bill would give to the Secretary, he should be sorry personally to see any friend of his subjected to the exercise of that power. He had seen Mr. Crawford subjected to the exercise of a small part of it; and he had seen him assailed, defamed, vilified and persecuted, on account of the manner in which he had exercised that power, when he was certain that no man could act with more honesty, impartiality, and patriotism, than he had done.

Mr. B. objected to the bill, for want of certainty in the kind of money which was to be received in the land offices. The whole question was left afloat. Nothing was fixed; nothing was stationary. What was land-office money to-day might not be so to-morrow. The orders for the reception and rejection of different paper, or the same paper, might vary from day to day. A farmer hears that the notes of a particular bank are receivable; he supplies himself with those notes, and goes to the office. When he gets there, he may meet an order to exclude them; and then be turned over to a money dealer to furnish himself with other notes, no better than those he had, but at a cost of five, ten, or fifteen per cent. to him to effect the exchange. Far better would it be for the farmers and settlers to have the permanency and uniformity of gold and silver only for land-office payments; then they would always know what they had to rely upon, and would be free from disappointments and impositions.

Mr. B. further objected to the receivability of paper money at the land offices, on account of the advantages which it gave to bankers and their favorites over the rest of the community. To a banker, or his favorite, it was pretty immaterial whether he gave a quire or a ream—a handfull, or an armfull—of his paper, for a parcel of land; and whether this paper was speckled over with figures for five dollars or fifty dollars, or five hundred dollars. It was all pretty much the same thing to him. To a farmer, however, who had to give labor, or produce, or property, for every dollar he obtained, it was quite another affair; and it was impossible for him to stand the competition with the man of quires, with his machine to impress letters and figures, for as many dollars as he pleased, on the little oblong slips of paper which constituted bank notes. It was a shame in the Government to put the farmer in competition with such wholesale manufacturers of paper dollars.

Mr. B. further objected to this bill, because its tendency was to inundate the new States with strange and unknown bank paper. In the new States, whatever was land-office money was current money. It was current, not only at the land office, but in every place, and all over the State. It was a Government endorsement, which gave credit to the whole issue of the bank. Taking advantage of this, it was quite usual for enterprising banks to get their paper made receivable in the land offices; then go to the new States, and lay out immense quantities of it in the purchase of produce, or property; and then leave it to be shaved out of the hands of the people when it ceased to be land-office money, or when specie was wanted for it.

Finally, Mr. B. objected, totally, to the idea of continuing to receive paper money for the dues of the Federal Government. This bill was intended to be a permanent law; there was no limitation of time in it. It was intended to continue paper money forever as the currency of the Federal Government. There was no longer any plea of necessity to justify such a gross departure from the constitution. It is not now as it was in 1816, when the joint resolution of that year was passed. Then there was less specie in the country than ever was known; now there is more than ever was known. The joint resolution of 1816 was a great advance upon the existing state of things at that time; the same resolution would be a retrograde movement, and a great falling back, at the present day. We have now near eighty millions of specie. The Secretary of the Treasury computed it at seventy-three millions two months ago, and it has been increasing ever since. A New Orleans paper computes it at eighty millions. Say the amount is seventy-five millions; that sum is far beyond any possible demand that the collection of the revenues in specie could create. On this point, Mr. B. spoke with data in his hand, and could demonstrate and prove up what he said. He had two different data to go upon, either of which would be sufficient, and both of which, together, would be conclusive. First, as to the amount of money which it requires to effect a given amount of payments in transacting the business of the country. Every body knows that it does not require an amount of money equal to the whole amount of annual payments, to make those payments. This might be the case if every creditor ate all the money which he received; but as he does not eat it, but pays it over to somebody else, it follows that the same piece of money performs many payments in the course of the year; and, consequently, that a sum far below the amount of annual payments will be sufficient to effect all those payments. A proportionate supply, then, is all that is wanted; and that proportion is fixed by political economists at the one tenth. Thus, annual payments to the amount of ten millions may be effected by means of one million; and so on in the same proportion, for any amount. Upon this data it would require but a small part of our seventy odd millions to effect all the annual payments to the Federal Government. Then, try another data. Take the experience of the Bank of the United States. During the time that that bank was the fiscal agent of the Government, nothing was received by the Federal Government but its own notes and silver, for there was then no gold

in circulation. The amount of United States Bank notes in circulation, though pushed up a few times to twenty odd millions, were generally below twenty; but take that for the average, and add the silver, which was computed in 1832, by the Senator from Massachusetts, [Mr. WEBSTER,] in the debate on the renewal of the bank charter, at from twenty to twenty-two millions; put these two sums together, and you have about forty millions, or little more than half the gold and silver now in the country. Here, again, the result is satisfactory, and shows that we have more than enough for this purpose. But there is still a third way to arrive at the same result. It is by looking to the actual amount that will be required for the great sources of Government demand—lands, customs, and Post Office. The lands, whether sales are restricted to settlers, or limited to hard-money payments, which would itself be a restriction of sales to settlers, it is certain not more than five or six millions of dollars' worth would be sold; and, as the Government would not eat these five or six millions, but pay them back as fast as received, it would follow that a part only of it would be sufficient to make the whole payment. Then, as to the customs: they may amount to about twenty millions, but would, in reality, require but little specie; for the payments through the customs are seldom made by counting money, but by a transfer of credit on the books of a bank. An order to pay the customs in hard money would make very little difference in the payments as now made. This, every merchant and business man fully understands. Next, as to the Post Office; here the receipts are upwards of four millions per annum; but the Postmaster General does not eat the money, but pays it out immediately, and sends it back into the mass of circulation, in payment for services rendered to the Department by contractors, agents, deputy postmasters, &c., who immediately disburse it among the community.

Finally, Mr. B. had positive proof that, so far as the lands were concerned, and that was the main point, there was specie enough to answer the demand. He would read a letter from the chief clerk in a land office which is selling more land than any office in the Union, and which would be conclusive on the wisdom, justice, and necessity, of the Treasury circular. It came to him yesterday, unsolicited by him, and was delivered through the hands of the Senator from Michigan who sits farthest on the other side of the chamber, [Mr. LYON,] and who, as well as his colleague, [Mr. NORVELL,] he rejoiced to see in the seats to which they had been so long entitled, and from which they had been so long deforced. He rejoiced that Michigan was at last released from the position of a stranger at the gate, cooling her heels at the door of the Capitol, while she had a right to a place within it. As a Missourian, he could feel keenly for her; for it was the fortune of Missouri to have to wait, and cool her heels, in the same manner, for a whole winter, before she could be admitted. Mr. B. then read the following extract from the letter:

[EXTRACT.]

"I am chief clerk in the land office at Kalamazoo, where land, during the year 1836, has been sold to the amount of $2,050,000, being one tenth of the aggregate sales of all the land offices in the United States—sixty-four, I believe, in number. The great business done at this office has afforded signal opportunities for observation as to the expediency and consequences of the Treasury circular. We are all convinced of the wisdom of the measure, and it is but just that we should endeavor to sustain its propriety by our testimony.

"The public lands were fast falling into the hands of speculating bankers. We have seen a president of one of the banks in Massachusetts visit Kalamazoo with blank notes in the sheet; and we have seen that same president lay his monopolizing grasp on miles of the public domain, for which those blanks, filled up at his leisure, were taken as equivalent. This instance was merely *e pluribus*. This wholesale speculation has been estopped by the specie circular. The land is sought after with the same avidity since as before the issue of that order, but by a very different set of purchasers. The actual cultivators of the soil are now selecting farms, which, so soon as entered, they begin to clear, fence, and improve. I am writing this on the 10th of January, 1837; and, at this very time, the office is thronged with hard-handed yeomen from the far East, who have come to settle amongst us in the far West. Nine tenths of the lots now entered are for those who intend to work them; and the 'accustomed' faces of land speculators, which continually haunted the office, have vanished. It is not my business, when so many sagacious statesmen are cogitating it, to offer any opinion as to the constitutionality or unconstitutionality of the specie circular, but I merely venture to set forth its consequences, as daily exhibited to our eyes.

"REGISTER'S OFFICE,
Kalamazoo, Mich., Jan. 10, 1837.

Mr. B. said this letter had been written nearly a month after the order had gone into effect for the total exclusion of paper money from the land offices. It annihilated all the speeches against that order, made and to be made on this floor. It vindicated the Treasury order in all its practical bearings, and under all its practical aspects. He wished to have had answers from all the land offices on these points; and the Senate, at his motion, had instructed the Committee on Public Lands to address to them the proper interrogatories. The committee chose to report a bill without seeking the information. They did more; they chose to send to a committee, of which he was a member, the same motion for interrogatories, after they had reported. This might look like a good joke. It was like saying, "We will report the bill, and pass it, and he may carry on the examinations afterwards;" a sort of of *ex post facto* or *post mortem* examination not common in legislation. Very well, said Mr. B. The examinations will go on; and although the proofs will not be here in time to prevent the passage of this bill, yet they may come in time to convince the country that it ought never to have been passed! Mr. B. returned to the amount of specie in the country, and its sufficiency to meet the collections of the Federal Government. He said it was more than sufficient, far more. Put all the collections together, lands, customs, and Post Office, and the whole will not amount to one half of the specie in the country. Where, then, is the pretext for saying there is not specie enough for the receipts and expenditures of the Federal Government? The fact is that this Government will not require enough to exercise a sufficient influence over the moneyed system of the Union. Auxiliary means, as the suppression of notes under twenty dollars through the deposite banks, a supervision over the amount of their specie, and prompt settlements with all the banks whose notes they take, will have to be resorted to. The federal collections alone will not be sufficient; and in this the Senator from Kentucky [Mr. CLAY] was perfectly right, a few days ago, when he took this very point as an objection to the ability of the Federal Government to regulate the currency through its collections of revenue. He was right in the objection, and Mr. Gallatin, who made it before him, was right in the same objection! Specie collections alone will not be sufficient; but they will do a great deal towards it, and, with the aid of auxiliary measures, will accomplish it. Let it not be forgotten that the whole skill and the whole power of the Bank of the United States, in her boasted services of

regulating the local banks, were limited to two simple and obvious measures: first, to receive the notes of no bank in payment of federal dues, unless it was situated in the same town or city which contained her branch; second, to return the notes of all the local banks which she received, for immediate settlement and payment. This is what the Bank of the United States did. Let us also exclude local paper, require prompt settlements between our deposite banks and other banks, enforce the provision in the deposite act, which is a supervision over the amount of specie in the deposite banks, and suppress notes under twenty dollars.

Mr. B. said now was the time for the Government to act as the Senator from Massachusetts [Mr. WEBSTER] urged it to act in 1816. This was his language at that time:

"If Congress were to pass forty statutes on the subject, he said, they would not make the law more conclusive than it now was, that nothing should be received in payment of duties to the Government but specie; and yet no regard was paid to the imperative injunctions of the law in this respect. The whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of the duties and taxes to the Government in the legal currency of the country."

Mr. B. was free to declare that he concurred fully in the sentiments just quoted, that forty statutes could not make the law in favor of specie payments stronger than it was, and that the whole power of the Government ought to be exerted, to compel the collection of the revenues in the constitutional currency. The commencement of operations by the three new branch mints was the latest moment, in his opinion, at which universal hard-money payments to and from the Federal Government ought to be delayed. He concurred in the sentiments quoted, and would now quote other sentiments delivered by the same gentleman, at the same time, and, without fully concurring in them, he would claim the advantage of them on this occasion, when the whole tenor of the bill before us, and especially the proviso, goes to change this Federal Government from a hard-money to a paper-money Government, and to surrender the federal Treasury to the general reception of State and local bank notes.

"Congress can alone coin money; Congress can alone fix the value of foreign coins. No State can coin money; no State can fix the value of foreign coins; no State, not even Congress itself, can make any thing a tender but gold and silver in the payment of debts; no State can emit bills of credit. The exclusive power of regulating the metallic currency of the country would seem to imply, or, more properly, to include, as part of itself, a power to decide how far that currency should be exclusive, how far any substitute should interfere with it, and what that substitute should be. The generality and extent of the power granted to Congress, and the clear and well-defined prohibitions on the States, leave little doubt of an intent to rescue the whole subject of currency from the hands of local legislation, and to confer it on the General Government. But, notwithstanding this apparent purpose in the constitution, the truth is that the currency of the country is now, to a very great extent, practically and effectually, under the control of the several State Governments; if it be not more correct to say that it is under the control of the banking institutions created by the States; for the States seem first to have taken possession of the power, and then to have delegated it. Whether the States can constitutionally exercise this power, or delegate it to others, is a point which I do not intend, at present, either to concede or to argue. It is much to be hoped that no controversy on the point may ever become necessary."

Mr. B. quoted these sentiments for the purpose of invoking the aid of their author in rescuing the currency of the federal constitution from the control which this bill, and especially the proviso to the second section, gives to the banking institutions of the several States over it; a control which will enable them to expel that currency from the country, and to enthrone their own in its place.

Mr. B. said that this bill, though in its terms a general measure, and professing to act only on coming events, yet was, in reality, a measure rescinding the Treasury order of July last; and, as such, was greeted and saluted by the friends of the recision on this floor. They openly celebrate the advent of the bill as the triumph of their movement, and announce its passage as a welcome victory. This may be. They may carry the bill, but they cannot carry the argument. They may rescind the order, but they cannot verify Mr. Biddle's prediction of the distress it was to create, nor invalidate President Jackson's statement of the good it had produced. In the month of November, Mr. Biddle predicted a world of wo—all to take place by the time that Congress met, and all to result from the Treasury order, and the manner of executing the deposite act—"intense pecuniary distress; derangement of exchanges; loss of confidence; destruction of the public prosperity; scarcity of money; fall of prices; ruin of the currency;" and he averred that the instant repeal of the Treasury order, under the command of Congress, if the Secretary would not do it voluntarily, would restore confidence in twenty-four hours, and put an end to all this mass of wo in twenty-four days. On the other hand, the President informed us, in his annual message, that the same Treasury order had produced many salutary consequences. He says it has checked the career of the Western banks, and given them additional strength to meet approaching difficulties; that it has cut off the means of speculation in the public lands; that it has saved the new States from the evils of a non-resident proprietorship; that it has kept open the public lands to the entry of cultivators, and saved them from competition with those who are favored with bank facilities; that it has caused gold and silver to flow into the new States, and placed the business of the whole country on a safer and more solid basis. This is the representation of the President; and which is the true picture? his statement, or Mr. Biddle's prediction? Surely the state of the country will answer the question! Certainly the personal knowledge of every individual will enable him to answer it! The whole prediction for the panic and pressure has failed! the edict for the distress has failed! It was to no purpose that the distress was commenced at several places; that many presses, and several speakers on this floor, announced and proclaimed it. The seventy odd millions of hard money which had been brought into the country was death to the operation; and, after a few vain efforts to renew the scenes of 1833, after a few abortive demonstrations to alarm the public, the whole contrivance was abandoned, or, rather, the performance was postponed; for it is never to be forgotten that panic and pressure is part of the permanent system of the denationalized national bank, and will be brought to bear, whenever opportunity will permit, until it shall be proved to the people that they cannot live without a national bank. The edict for the distress, then, has failed; and the failure of that scheme is itself the proof of the truth of President Jackson's statement of the good effects of the order. That order has been attended by every good effect which he has mentioned, and this is universally known in the West, and is proved negatively by the total absence of all complaint from that quarter. Nobody in the new States complains to us; no one in the new States sends here to demand the recision of the order. That demand comes from Philadelphia, where there are no public lands; from Kentucky, where there are none; from Ohio, where there are next to none; and from members on

this floor, who are backed by no memorials from home. The letter from the clerk in the land office at Kalamazoo covers the whole ground, and proves the wisdom, the beneficence, and the necessity, of that order. The diminution of the sales after the issuing of the order is a further proof to the same effect. Before the sales, that is to say, in the months of May and June, two months in which the amount of sales should have been least, they amounted to the sum of six millions and a quarter; the months of October and November, the two months in which the sales should have been greatest, the amount was three millions one hundred thousand. The month of December, though the returns are not complete, shows a still further decline; and if gentlemen had patience to wait for the returns of January, the first month in which the order had full effect, they would, no doubt, find it bringing down the sales to a moderate amount, and effecting a diminution of income, from that source of revenue, to as small a degree as could be desired, and in a manner the most simple, the most regular, the most effectual, and the most satisfactory that can be devised by the wit of man.

Every good consequence stated by the President had resulted from the operation of the order; and the evidence of this was too public and notorious to require illustration, or to admit of enumeration. But there was one point of his statement which was an exception to this remark, and on which it would be profitable to go into some detail; for it concerned not only the lands, but the far more important subject of the currency itself; he alluded to that part of the President's message in which he stated that this order had checked the career of the Western banks, and compelled them to strengthen themselves against the revulsions consequent upon every expansion of the bank issues. This was true to a degree of which no one had a conception but those who had access to a knowledge of the condition of all the banks, and who availed themselves of that right of access to examine into the condition of these banks, and to compare that condition with the approved principles of what is considered safe and sound banking.

Mr. B. said that, among those things which were considered as settled in the science and mystery of banking, there was one principle which required the immediate means of the bank to bear a certain proportion to its immediate liabilities; below which proportion it was not safe for the bank to descend. The immediate means of the bank are its specie on hand; its immediate liabilities are the circulation and the deposites; and the proportion which these ought to bear to each other has been fixed, at the Bank of England, after an experience of one hundred and forty years, at the one third. Mr. B. deemed the verification of this principle so material that it deserved to be proved as well as stated. He would therefore produce the sworn testimony on this point taken before Lord Althorp's committee in 1832, and should confine himself to the evidence of the governor of the bank and one of its directors. The testimony of Mr. Horsley Palmer, the governor of the bank, is this: "The average proportion, as already observed, of coin and bullion which the bank thinks it prudent to keep on hand, is at the rate of a third of the total amount of all her liabilities, including deposites as well as issues." Mr. George Ward Noeman, a director of the bank, states the same thing in a different form of words. He says: "For a full state of the circulation and the deposites, say twenty-one millions of notes and six millions of deposites, making in the whole twenty-seven millions of liabilities, the proper sum in coin and bullion for the bank to retain is nine millions." Thus, the average proportion of one third between the specie on hand and the circulation and deposites, must be considered as an established principle at that bank, which is quite the largest, and amongst the oldest in the world. It might be well also to remark that the same proportion, very nearly, prevailed in the Bank of the United States at the time of the removal of the deposites in October, 1833; it was, of specie on hand, $10,663,441; of circulation and deposites, $37,105,465; being at the rate of between one third and one fourth of specie in hand for immediate liabilities. The proportion of about one third being then established as the principle of safety in banking, let us apply that principle to some of our Western deposite banks in July last, to see what was their condition at that time; and in November, to see whether that condition was improved, as stated by the President.

	Specie.	Circulation and deposites.
Branch of the State Bank of Alabama, at Mobile.		
July,	$278,761	$4,984,210
November,	282,915	4,343,680
Commercial Bank of New Orleans.		
July,	$207,698	$3,306,105
November,	389,192	2,770,435
Agricultural Bank of Mississippi.		
July,	$107,951	$3,476,000
November,	462,896	2,752,000
Union Bank of Tennessee and branches.		
July,	$87,106	$3,520,000
November,	121,054	3,106,000
Franklin Bank of Cincinnati.		
July,	$179,558	$1,627,000
November,	246,570	1,272,000
Bank of Michigan, at Detroit.		
July,	$78,214	$3,461,000
November,	326,635	2,336,000
Farmers and Mechanics' Bank, Michigan.		
July,	$67,184	$1,954,000
November,	69,954	713,000

Mr. B. said such was the condition of some of the Western deposite banks in July last, and such their condition in November; very far below the Bank of England standard at both periods, but greatly improved by the operation of the specie order, and doubtless much more improved by its continued operation to this time. There were many others of these banks also falling far below the Bank of England standard in July and November, and still below it. Mr. B. was ready to admit, what every business man must understand, that all these banks have a list of debts, and of bills of exchange, falling due from day to day, and amounting in the aggregate to more than all their liabilities; but he must be permitted to remark, that the Bank of England also has her list of debtors, and that nearly the whole of these debtors are in the city of London, within thirty minutes' run of the bank; that she is situated in the moneyed metropolis of the universe; that she is supported by the richest and most numerous body of merchants upon the earth, and backed by the whole power of the British Government, which stands her security for seventy millions of dollars, and lends her exchequer bills to the amount of millions, and increases their interest to facilitate their sale when necessary; and that, with all these resources, such as no bank in our America can pretend to, she yet deems it necessary to have always on hand, in coin and bullion, the one third of the amount of her circulation and deposites. What, then, must be thought of the condition of some of the banks referred to, and others which might be referred to, in July last? Instead of one third specie in hand to meet their immediate liabilities, the actual proportion in hand was the one twentieth, the one thirtieth, the one fortieth, and the one fiftieth! Mr. B. said it was beyond all human doubt,

that if the Treasury order had not been issued, that the Western deposite banks would have exploded in the course of the last fall, and that we should now have been sitting here amidst the wrecks of the paper system. That order prevented this catastrophe; and it is precisely because it did prevent it, that it has excited the rage of Mr. Biddle, and of the whole political party imbodied under the *oriflamme* of the denationalized national bank. It balked their present hopes of reascension to power through the ruin of the finances; and in their rage for this disappointment, they denounce the President for a violation of the laws and constitution; they charge him with ruining the country; they attempt a new panic and pressure; and they call upon Congress to repeal the order.

Mr. B. said it was curious, and at the same time instructive, to observe the change which had come over the whole United States Bank party in speaking of the local banks, and especially of the deposite banks. At the veto session of 1832, they were considered unfit to be trusted with the custody of the public moneys, or to furnish any currency; at the panic session of 1833-'34, they were stigmatized with every opprobrious epithet, and all the public money was given up as lost that ever entered their vaults; now, at the expunging session, all this is changed, and nothing so kind and coaxing as the manner in which these former scorners now speak of the late despised pets. They absolutely seem to love them! and this great change, now observable to all on this floor, seems to have taken its start in that famous Philadelphia letter, of which repeated mention has so frequently been made. This is the part of the letter which gives the signal for this new change:

"The Bank of the United States has not ceased to exist more than seven months, and already the whole currency and exchanges are running into inextricable confusion, and the industry of the country is burdened with extravagant charges on all the commercial intercourse of the Union. And now, when these banks have been created by the Executive, and urged into these excesses, instead of gentle and gradual remedies, a fierce crusade is raised against them, the funds are harshly and suddenly taken from them, and they are forced to extraordinary means of defence against the very power which brought them into being. They received, and were expected to receive, in payment for the Government, the notes of each other and the notes of other banks, and the facility with which they did so was a ground of special commendation by the Government; and now that Government has let loose upon them a demand for specie to the whole amount of these notes. I go further. There is an outcry abroad, raised by faction, and echoed by folly, against the banks of the United States. Until it was disturbed by the Government, the banking system of the United States was at least as good as that of any other commercial country. What was desired for its perfection was precisely what I have so long striven to accomplish—to widen the metallic basis of the currency by a greater infusion of coin into the smaller channels of circulation. This was in a gradual and judicious train of accomplishment. But this miserable foolery about an exclusively metallic currency is quite as absurd as to discard the steamboats, and go back to poling up the Mississippi."

Mr. B. said that the views and sentiments disclosed in this extract were of great moment, and ought to be carefully considered by all whose duty it is, here or elsewhere, to legislate, or to act, upon the subject of the currency. The design is here disclosed to stir up the local banks against the Federal Government, to make alliance with them, and to force the Government to receive their paper in payment of all federal dues. This is the design disclosed; and with what motive? Certainly to ruin the finances of the Federal Government! Certainly to compel the administrations of General Jackson and Mr. Van Buren to repeat the fatal error of Mr. Madison's administration, that of undertaking to make a national currency out of local bank notes. Warned by that fatal error of those who put down the first national bank, those who put down the second one determined to avoid it, and for that purpose to re-establish for the Federal Government the currency of the constitution. When this design was announced, our opponents treated it with derision. They said it could not be done; that a gold and silver currency could not be revived. They ridiculed the attempt; but what is the answer which four years has given to their ridicule? It is the actual revival of the gold currency, of which near twenty millions of dollars are now in the country; it is in the actual increase of our specie from twenty or twenty-two millions, as computed by the President of the Bank of the United States himself when the charter for that institution was applied for in 1832, to near eighty millions, which it is now known to be. The experiment of getting the gold and silver into the country has succeeded; ridicule has failed of its office. The gold and silver is here, enough, and more than enough, to make all the payments to and from the Federal Government. Ridicule will no longer answer; stronger measures must be resorted to, and legislation has become indispensable to the overthrow of the constitutional currency. To prevent the specie in the country from being used, is now the design; and, to accomplish that purpose, it becomes necessary to force the local paper of the States upon the Federal Government. The passage of this bill is indispensable to the success of Mr. Biddle's design, disclosed in the letter from which an extract had been read. He wants the question made between a national currency of United States Bank notes, and a national currency of local bank notes. He knows that between these two the United States Bank notes will prevail; that they will conquer, that they will whip, yes, whip like a dog, your national currency of local bank notes. We, on the other hand, want the question made between paper and gold, knowing that the country will sustain gold against paper; and these are the questions which are now to be decided by this bill. This bill will make the question in the form wished by the friends of the Bank of the United States, and will insure them the triumph to which they look for the re-establishment of the Bank of the United States and restoration of its political friends to power. Mr. B. appealed to gentlemen on the other side of the House to rise above the character of partisans, and to act as patriots on this occasion. He and they had always agreed in condemning local bank notes as a national currency; and why not agree together in their votes now in rejecting them. He knew that, as a party, their interest led them to the support of this bill; as patriots, and according to their declared principles, their duty led them to oppose it. He beseeched them to follow up their principles, so often declared on this floor, and to reject the bill which elevated into a national currency the kind of paper which they have so long, so publicly, and, in his opinion, so justly condemned. He besought and obtested them to join him, but, he feared, in vain. There is an ominous silence in their ranks upon the condition of our deposite banks. At the last session, when that condition was so much better than at this, there was a perpetual assault upon them. Then, when the average proportion of specie to their circulation and deposites was as one to seven or eight, then this proportion was constantly pointed out; now, when it is so much greater, not a word is said; now, when the President has attempted to improve their condition, he is assailed as he was at the panic session, and as great efforts made to compel the repeal of the Treasury order

as there then was to compel the restoration of the deposites. Mr. B. said the objection to the inadequacy of the specie supplies in the deposite banks was no new objection with him. He had made it at the last session, and, with the leave of the Senate, would refer to some passages on this point in the speech which he then made in opposition to the deposite bill—that bill against which it was his pride to speak and to vote, though he spoke and voted in a small minority of some half dozen Senators. The following are the passages referred to:

"The other part of the deposite bill proper, to which I object, is the want of a clause requiring the deposite banks to keep on hand a certain amount of specie, bearing some reasonable, average, fixed proportion to their immediate liabilities. The bill was drawn with such a clause; but it was the will of the majority to strike it out, and to substitute the discretion of the Secretary of the Treasury for the time being for the proposed legal enactment. The proportion of specie on hand, in the several deposite banks, is now to be whatever may be satisfactory to the officer at the head of the Treasury. To this I object; because, without reference to the opinions of any Secretary, I hold it to be a case in which the inflexible rule of law, and not the variable dictate of individual discretion, should prevail. It concerns the currency of the country, and law should govern the currency. It is a case in which discretion is subordinate to systems, as well as to personal temperament. A hard-money Secretary would require a heavy proportion of specie; a paper-system Secretary would be content with a very light proportion. Besides, some of the deposite banks need regulation upon this point at present. Some of them are far in arrear of what would be deemed a safe proportion of specie, and threatening the Treasury with another edition of 'unavailable funds.' As a whole, they are far behind the point of specie responsibility at which the Bank of the United States stood at the time of the removal of the deposites, though some are up to that mark, or above it; but, as a whole, (and it is in that point of view that the public is concerned,) they are far behind it. On the 1st day of October, 1833, when the deposites were removed, the immediate liabilities of the United States Bank, in public and private deposites, and in its circulation, was $37,105,465, and the specie on hand was $10,663,441; being at the rate of more than one to four.

"At the close of the last month, which is the date of the latest returns of the deposite banks, their immediate liabilities in the same items—public and private deposites, and circulation—was $84,401,880, and the gold and silver on hand was $10,202,245; being at the rate of less than one to eight. This certainly is a progress in the wrong direction for us, who have undertaken to strengthen the gold and silver foundations of the currency. It is travelling on the wrong end of the road, and that rather fast. The rejection from the bill of the clause which was intended to hold the deposite banks up to the possession of a certain fixed proportion of specie looks like an abandonment of our hard-money professions, and a relapsing tendency into the wide and bottomless ocean of paper. It is certainly a great decline from the doctrines of President Jackson's message of December last—those doctrines which were then hailed with approbation by an immense majority of the American people, and received as landmarks in the whole democratic camp, and in which the President expressly treated the regulation of the deposites as the regulation of the currency, and looked to the increased circulation of gold and silver, and the suppression of all bank notes under twenty dollars, as two of the great results which were to flow from the connexion of the federal Treasury with the local banks, and the consequent influence of the Government over the currency. Hear his words:

"'Connected with the condition of the finances and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have already been derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparent in the course of the next year, when the branch mints authorized to be established in North Carolina, Georgia, and Louisiana, shall have gone into operation. Aided, as it is hoped they will be, by further reforms in the banking systems of the States, and by judicious regulations on the part of Congress, in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver as a circulating medium will become general in the ordinary transactions connected with the labor of the country. The great desideratum in modern times is an efficient check upon the power of the banks, preventing that excessive issue of paper whence arise those fluctuations in the standard of value which render uncertain the rewards of labor.' * * * 'It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium.'

"'The collection and custody being a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposites in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform of the whole paper system of the country. If by this policy we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that go'd and silver will take their place, and become the principal circulating medium in the common business of the country. The attainment of such a result will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity, which are so congenial to the character of republicans, than all the legislation which has yet been attempted.'

"The rejection of the clause referred to, continued Mr. B., has lost the advantages so confidently looked to by the President in this wise and patriotic message. Nothing is done in this deposite bill to fulfil his enlightened and noble views; nothing to enlarge and extend the specie basis; nothing to promote the diffusion of gold; nothing to effect the suppression of notes under twenty dollars; nothing to check the paper system; nothing to regulate the currency; on the contrary, we have a virtual abandonment of all control over the moneyed system, and a virtual surrender of the constitutional power and the constitutional duty of Congress over the currency to the discretion of the Secretary of the Treasury, and the private and interested arrangements of the deposite banks."

Mr. B. said these were his sentiments delivered eight

months ago, and all subsequent events confirmed him in their correctness? Some of our deposite banks have got into far worse condition since that time; many of them were running a wild and mad career, when the Treasury circular checked their course. There are many whose condition is good, having a large amount of specie; several above half a million; some above a million; one a million and a half. On the other hand, there are some whose specie demonstration makes, indeed, a sorry figure; there were above a dozen of them whose specie, even in November, ranged downwards through a regular and gradual descent, from the small sum of twenty-five thousand dollars, to the far smaller sum of two thousand five hundred and ninety-six dollars and ninety-two cents! The Treasury order was intended to improve this condition of things, and has improved them; and if let alone, or, still better, if specie payments are made universal in all the receipts and disbursements of the Federal Government, they will go on to improve, and may be able to ride out the storm which every discerning mind must see ahead.

Mr. B. thought not only the condition of many of the deposite banks needed improvement, but that the deposite act itself needed amendment. He was for limiting the deposites to banks of strength and character; such as kept, at least, average supplies of a quarter of a million of specie; he was for prescribing the conditions proposed by the President of the Manhattan Bank, for the suppression of notes under twenty dollars; he was in favor of fixing the proportion between their specie on hand and their liabilities in circulation and deposites, and fixing it at the proportion required at the Bank of England; he was for requiring from them weekly settlements, at least, with all the banks whose paper they received, and the prompt liquidation of all balances in specie, and a part payment of all demands in gold. In return for these requisitions, he would be willing to be as liberal as the public interest would admit, and to remit the interest which was now exacted on deposites.

Mr. B. said a question had been raised on this floor as to the honor of originating the first movements against the small-note currency; and the Senator from Kentucky [Mr. CLAY] who had moved that question here, had claimed it for the Senator from Massachusetts, [Mr. WEBSTER;] and this was in conformity to Mr. Biddle's letter of November last, who claimed the same honor for the Bank of the United States and its friends. Mr. B. should never have thought it worth the time of the Senate to examine into the paternity of this little honor; he had not, in his former speech, stopped the current of debate to examine into the justice of the same claim, as set up by the President of the Bank of the United States; but since the question had been raised on this floor, it might be as well to devote a moment to the settlement of the affair, according to the right of the case and the evidence of the record. *Suum cuique tribuito*--let every one have his own--was a fair maxim at all times, and might find a fair occasion for its application at the present time. He remembered the whole history of the movements against the small-note currency, and in looking over the journals of the Senate and the Register of Debates, he found his recollection confirmed in every particular. The first speech made in the Senate upon the subject was made by himself; it was on the 20th of January, 1832, and on his resolution to suppress the issue of the branch bank drafts issued by the branches of the Bank of the United States. Among other objections to those drafts were these: that they were mostly issued for small sums, five and ten dollars, and thus usurped the place of gold and silver, which was carried off from the States to Philadelphia, and thence exported to foreign countries; and also that they filled the country with counterfeits; the five and ten dollar drafts being those which offered the greatest inducemdnts for counterfeiting. The next speech upon the subject was by the Senator from Massachusetts, [Mr. WEBSTER,] on the 24th of May of the same year, (1832,) on the bill to recharter the Bank of the United States, in which he spoke at large, and much to the gratification of him, (Mr. B.,) against the evils of a small-note currency, and on the necessity of suppressing it, in order to increase the amount of the specie circulation. So much for speeches: now for motions. Gales & Seaton's Register for the session 1831-'2 shows that on Saturday, the 26th of May, of that session, Mr. BENTON (then opposing the recharter of the Bank of the United States) read fourteen amendments at one time, the thirteenth of which ran in these words: "To issue no note of a less denomination than twenty dollars, nor to receive or pay out a State bank note of less amount!" The same Register shows that two days thereafter, namely, on Monday, the 28th of the same month of May, the Senator from Massachusetts [Mr. WEBSTER] moved two amendments to the bill rechartering the bank, the second of which was in these words: "That it should not be lawful for the bank, after the 4th of March, 1836, to issue any notes of a less denomination than ——— dollars."

The Register then goes on:

"Mr. Webster said a few words in defence of his second amendment, which imposed no restriction until after the expiration of the present charter. The effect of his proposition would be to introduce more specie into circulation, and to banish the small notes, with which the country is inundated. He moved to fill the blank with ten dollars; but expressed his willingness to vote for a higher restriction, if any Senator should move it.

"Mr. Benton would propose twenty dollars. He wished the basis of circulation throughout the country to be in hard money. Farmers, laborers, and market people, ought to receive their payments in hard money. They ought not to be put to the risk of receiving bank notes in all their small dealings. They are no judges of good or bad notes. Counterfeits are sure to fall upon their hands; and the whole business of counterfeiting was mainly directed to such notes as they handle--those under twenty dollars."

Mr. B. said the Register further showed that Messrs. Foot, Smith of Maryland, Clay, and Chambers, expressed their sentiments on the proposition, and against the twenty-dollar limit; but that, on taking the question, the blank was filled with twenty dollars, and the amendment proposed by the Senator from Massachusetts, thus shaped, was concurred in. Mr. B. said it was apparent, from this history of the first attempt made in the Senate to introduce the twenty-dollar limit on the minimum issues of banks, that he himself was the mover of it; but he was free to say that, without the aid of the Senator from Massachusetts, [Mr. WEBSTER,] the limit would not have been introduced. He remembered the gentleman's speech very well, and his quotation from Mr. Canning, and could repeat the whole now from memory, much more fully and correctly than he now found it in the Register. So far so good, said Mr. B. The Senator from Missouri and the Senator from Massachusetts were for once found together in a vote which concerned the Bank of the United States; but they did not long remain together! It was in *quasi* committee that the twenty-dollar limit was proposed and adopted. When the amendment came to be considered in the Senate, the Senator from Massachusetts dissented! and the prohibition to issue notes below twenty dollars was diluted into an authority, reserved by Congress, to impose a restriction to that effect, after the 3d day of March, in the year 1836! and thus it now stands on the journal of the Senate, in the bill of recharter vetoed by the President! The restriction voted on the 28th of May was, a few

days thereafter, metamorphosed into a reservation of authority to impose a future restriction—a change which Mr. B. considered as defeat and mockery—for he knew full well that wherever a bank was strong enough beforehand to prevent a limitation upon its issues from being prescribed as a condition, it will be sure to be strong enough, after it gets the charter, to prevent the same limitation from being imposed as a restriction.

Mr. B. had thus corrected the error of the Senator from Kentucky, [Mr. CLAY,] in claiming the paternity of the first movement for the twenty-dollar limit on the floor. In the correction of that error, he had to exhibit himself as the author of the movement; but he attached but little consequence to priority of movement on such a subject, or on any subject. It was the gift of continuance which he valued. It was the faculty of holding on which he loved. It was the Cynegiras stick-to-it which he admired; that sticking to it which lays hold with the right hand, and when that is cut off, lays hold with the left; and when that is cut off, lays hold with the teeth, and hangs on by the teeth until the head is cut off. This is what he called the gift of continuance, and which he valued above all gifts. The Senator from Massachusetts [Mr. WEBSTER] did not seem to have been endowed with this gift in respect to this twenty-dollar limit. His speech, indeed, was good; his first vote was good; but his second was bad, for it nullified the first; and his speech had never been backed by another. On the other hand, he (Mr. B.) must be allowed to say that he had himself shown a little of the Cynegiras blood in relation to this limit. He began it five years ago, and had been sticking to it ever since. In Congress and out of Congress, in season and out of season, he had been still harping upon these small notes. Not to worry the Senate with tedious recitals, and yet to vindicate his adhesion, and to make good, at least, a continued claim to this work, he would refer to a few of the evidences which attested the fidelity of his exertions to accomplish this object. Mr. B. then read from the Senate journal, as follows:

"Wednesday, April 9, 1834, the following motion, submitted by Mr. Benton, was considered:

"*Resolved*, That a committee be appointed on the part of the Senate, jointly with such committee as may be appointed on the part of the House of Representatives, to consider and report to the Senate and to the House, respectively, what alterations, if any, are necessary to be made:

"1. In the value of the gold coined at the mint of the United States, so as to check the exportation of that coin, and to restore it to circulation in the United States.

"2. In the laws relative to foreign coins, so as to restore the gold and silver coin of foreign nations to their former circulation within the United States.

"3. In the joint resolution of 1816, (for the better collection of the revenues,) so as to exclude all bank notes under twenty dollars from revenue payments after a given period, and to make the revenue system of the United States instrumental in the gradual suppression of the small-note circulation, and the introduction of gold and silver for the common currency of the country.

"On motion of Mr. King of Alabama,

"*Ordered*, That the said resolution be laid on the table."

Mr. B. also read from the journal of the same session a resolution submitted by him, as follows: "That the President of the United States be requested to cause inquiries to be made of the deposite banks, and of other banks of good credit, to ascertain when any of said banks, in consideration of being made or continued depositories of the public money, will agree to enter into arrangements to discontinue the use and circulation of all paper currency of less denomination than twenty dollars; and, also, to promote the circulation of gold, by paying all the currency issued by it in gold and silver; the proportion of each at present according to the best ability of the bank, and eventually one half of each, the demander to have the option of one half of either metal, and the bank the other half." Laid on the table, on the motion of Mr. Mangum.

He also read from the journal of the session of 1835-'6 a set of instructions for amending the charters for the banks in the District of Columbia, of which the fourth instruction was this: "The banks to issue no notes of less denomination than twenty dollars; and all notes below that denomination, issued by other banks, to be prohibited from circulation within the District;" which was rejected by the Senate—10 yeas, 28 nays. He also referred to the twenty-dollar limit on payments from the Government, which he moved at the last session, and which, in a modified form, was adopted; and he referred to a bill which he had introduced at the last session of Congress, "to re-establish the currency of the constitution for the Federal Government;" and alluded to his constant efforts to limit, restrain, and circumscribe, the circle of paper circulation, and to extend and increase that of the gold and silver circulation.

Mr. B. said there were many other motions on the journals to the same effect; but he would not consume time in reading them. Much less would he read from his speeches, running through a period of five years, and dwelling so much on this particular point. He would only refer to one of these speeches, the one on the District banks, of the last session, in which the reasons for suppressing the small-note currency were largely gone into. He would read a paragraph only, to show the heads of the argument which he then used:

"Mr. B. said that the proposed limit of twenty dollars for the minimum size of bank notes was not an arbitrary assumption, or a fanciful designation, but was a limit ascertained by experience, and proven by results, to be the lowest that would suffice to accomplish the ends intended. These ends are: 1. To re-establish the gold currency; 2. To make gold and silver the common currency for all the small dealings of the country; 3. To extend and enlarge the specie basis of the paper circulation; 4. To save the laboring and small dealing part of the community from the effects of contractions and expansions from bank issues; 5. To save them from the impositions of counterfeiters, from losses when banks fail, and from bearing the whole burden of the wear and tear of small notes; 6. To save hard money enough in the country to make it safe to have such paper currency as commerce and large dealings may require. These are the objects to be accomplished, and less than twenty dollars will have no adequate effect; far better would be the limit of $100, as it is nearly in France, and where that limit insures a circulation of nine tenths gold and silver, and one tenth paper; namely, upwards of five hundred millions of dollars of one, and fifty millions of the other."

From this brief but authentic history of the movements in this chamber against the small note currency, Mr. B. said it would be seen how fallacious was the claim set up by Mr. Biddle, in his panic letter of November last, to the honor of commencing these movements. So far from it, it was now established that it was the conduct of the Bank of the United States, in deluging the country with a small-note currency, and eviscerating the States of their specie, and exporting it to Europe, that caused him to move first upon the subject; and that that movement, after being apparently acquiesced in by the bank, to aid in getting the renewed charter, was defeated and made ridiculous by being diluted into a reserved authority to do afterwards what the bank would not permit to be done then. Mr. B. averred that it was the

conduct of the Bank of the United States in inundating the States with small trash, in the shape of branch drafts, that first put him upon the idea of suppressing small notes. It showed him the evils of that circulation, and subsequent inquiries proved its extent. Subsequent inquiries showed that the Bank of the United States had abducted about forty-two millions of specie from the States, and exported it to foreign countries, leaving in the whole Union, at the time of the application for a recharter, in 1832, no more than twenty or twenty-two millions of specie. This was her conduct; and what has been the conduct of President Jackson's administration? It has been to increase that twenty millions, in about four years, to about eighty millions; and to do this against the constant and strenuous opposition of the Bank of the United States and all its friends. After this, what a power of face it requires in the president of the Bank of the United States to claim for that institution, and its friends, the honor of fighting down small notes, and fighting up gold and silver? But why go back to past events? The present are sufficient. Did not that bank obtain from Pennsylvania a charter to issue notes below twenty dollars, namely: notes of ten dollars? And does she not daily and openly violate even this limitation by issuing notes and drafts of five dollars?

Mr. B. had felt himself forced into this episode upon the suppression of the small-note currency. It was the first time that he had troubled the Senate with a detail personal to himself, and hoped it would be the last. The suppression of small notes, though a novelty here, is an old operation elsewhere. In France, where paper money during the revolution was reduced to its smallest denominations, even to ten sous, he believed, all had been suppressed, as far back as the consulship of Bonaparte, under five hundred francs. In England, where one and two pound notes prevailed for above twenty years, a general suppression took place years ago. About the year 1819 was the commencement of the great movement in England. It was then Mr. Canning cited the letter which Mr. Burke had written to him twenty years before, and from his deathbed. It was then also he delivered that sentiment, which was among the few which ever produced, in the British House of Commons, an expression of applause in the galleries; an applause which was elicited, not by the theatrical exhibition of the orator, but by the sentiment of the statesman; and which was followed by a national effect all over the British empire. It was that sentiment in which Mr. Canning hoped that the day was at hand when every laborer, returning from his work at the end of the week, would feel the weight and hear the jingle of his wages in his breeches pocket; and it was this sentiment, taken up by the body of the people, and acted upon by them, which led to the immediate suppression of the one and two pound notes in several parts of England, and to their eventual suppression all over the empire.

Mr. B. wished to point out to the Senate the great similitude which existed between the present state of things in our country, and that which existed about twenty years ago. There was instruction to be derived from the retrospect, and he would use the highest authority for the fidelity of the picture which he proposed to recall. He would have recourse to the highest official papers—the messages of Presidents to Congress; and would read the parts which were applicable to his purpose. He read:

Extract from President Madison's annual message at the meeting of Congress, the first Monday of December, 1816.

"It has been estimated that, during the year 1816, the actual receipts of revenue at the Treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and Treasury notes, will amount to about the sum of $47,000,000; that during the same year, the actual payments at the Treasury, including the payment of the arrearages of the War Department, as well as the payment of a considerable excess beyond the annual appropriations, will amount to about the sum of $38,000,000; and that, consequently, at the close of the year, there will be a surplus in the Treasury of about $9,000,000."

Extract from President Monroe's annual message, the first Monday of December, 1817.

"A considerable and rapid augmentation in the value of all the public lands, proceeding from these and other obvious causes, may, henceforward, be expected. * * * * The public lands are a public stock, which ought to be disposed of to the best advantage for the nation. The nation should, therefore, derive the profit from the continual rise in their value."

Extract from President Monroe's annual message, the third Monday in November, 1818.

"The sale of the public lands during the year has also greatly exceeded, both in quantity and price, that of any former year; and there is just reason to expect a progressive improvement in that source of revenue."

This is the picture for 1816-'17-'18; and a glowing one it is. The Treasury full and overflowing; forty-seven millions of revenue in one year; thirty eight millions paid out; nine millions of surplus on hand; public lands selling with unprecedented rapidity; the sales for 1818 being seventeen millions of dollars; which, in proportion to the population, were larger sales than those of the last year, when twenty-five millions were received. At the end of the year 1818, this gorgeous picture of prosperity still augmenting, and the President so elated with the prospect of income from the lands, that he advises their price to be raised from two dollars per acre, which was then the minimum, to a sum not stated in his message, but understood to be five dollars; and concludes with expressing his opinion that there was just reason for expecting a progressive improvement in the sales of these lands. Now, said Mr. B., let us resume our readings, and see what manner of picture is presented by the same President in the ensuing messages. He read:

Extract from President Monroe's annual message at the meeting of Congress, December, 1819.

"Although the pecuniary embarrassments which affected various parts of the Union, during the latter part of the preceding year, have, during the present, been considerably augmented, and still continue to exist, the receipts into the Treasury to the 30th of September last have amounted to $19,000,000. * * The causes which have tended to diminish the public receipts could not fail to have a corresponding effect upon the revenue which has accrued upon imposts and tonnage during the first three quarters of the present year. * * * The great reduction in the price of the principal articles of domestic growth, which has occurred during the present year, and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufactures, have not shielded them against other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the nation have been no less adverse to our manufacturing establishments in several sections of the Union. The great reduction of the currency, which the banks have been constrained to make in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the

advantages resulting from the reduction in the prices of the raw materials and labor, have compelled the banks to withdraw from them a portion of the capital heretofore advanced to them. That aid which has been refused by the banks has not been obtained from other sources, owing to the loss of individual confidence, from the frequent failures which have recently occurred in some of our principal commercial cities."

And recommends encouragement to manufactures.

Extract from President Monroe's annual message at the meeting of Congress, December, 1820.

"The receipts into the Treasury from every source (including a loan of three millions) to the 30th of September last, amount to $16,794,107; whilst the public expenditures to the same period amount to $16,871,534. The sum of three millions, authorized to be raised by loan, by act of the last session of Congress, has been obtained on terms advantageous to the Government. It is proper to add, that there is now due to the Treasury, for the sale of the public lands, $22,996,545. In bringing this subject to view, I consider it my duty to submit to Congress whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavorable change which has occurred since the sales, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the instalments are becoming due at a period of great depression. It is presumed that some plan may be devised by the wisdom of Congress, compatible with the public interest, which would afford great relief to these purchasers."

What a change of language, (said Mr. B.) It looks like enchantment! and all to take place between the meeting of one session of Congress and the meeting of the next. What a change! No more forty-seven millions of income; no more surpluses; no more seventeen millions from public lands; no more propositions to raise their price; no more of all this glowing picture! But the income from customs fallen down to thirteen millions; the income from lands to less than one million; a loan of three millions authorized to carry on the Government; all the public expenditures cut down to the lowest point; universal distress; banks failing; currency deranged; prices depressed; manufactures sinking, and calling for a new tariff; relief to them recommended; the purchasers of the public lands twenty-three millions in debt to the Government, unable to pay, calling for relief, and relief recommended, and granted; the twenty-three millions of debt for lands either released, or payment deferred on extended credit; and the minimum price, instead of being raised to five dollars per acre, reduced to one dollar and twenty-five cents. Such was the change of picture which it was the fate of the same President to present in the short interval which elapsed between two sessions of Congress! and what is the instruction which we should derive from it? Certainly, that similar effects follow similar causes; and that the past should be a lesson and a warning for the future. We are now in the circumstances of 1816, '17, '18; overflowing Treasury, large surpluses, great sales of the public lands, the price of every thing high. And what made that state of things? Bank issues, bank expansions, bank loans, bank facilities! And what made the cruel reverse which took place in 1818–'19? Contraction of bank issues, contraction of expansions, curtailment of loans, withdrawal of facilities, and the explosion of innumerable banks! The paper system, the paper system was the real and sole cause of the illusive and deceptive prosperity which, for a while, smiled treacherously upon the country, and was so suddenly followed by a sad and real distress. And are we not at this moment, and from the same cause, realizing the first part, the deceptive, the illusive, the treacherous part, of this picture? and must not the other part, the sad and real sequel, inevitably follow? Mr. B. said it must follow, and went over several reasons to show it to be more certain now than in 1818–'19. In the first place, there were three times more banks now than then, and increasing much faster now than they did then, and dealing in millions now for hundreds of thousands then. In the next place, there is now a great political party, confederated with a powerful moneyed institution, to produce derangements of the currency, and pecuniary distress in the country, and to lay it upon the Government, when no such party existed in 1816, '17, 18. In the third place, the business of banking is now carried on in a more complex and critical form than formerly, by institutions using each other's notes as cash; issuing notes at one place payable at another and a distant place, and entering into temporary and voluntary arrangements for keeping up the credit and circulation of their notes at places where payments of them are not exigible by law. These are points in which the present trade of banking is more dangerously exposed, and more critically situated, than it was twenty years ago. On the other hand, there are some safeguards now which did not exist then; first, the great amount of specie, now near eighty millions of dollars, which the wisdom of President Jackson's administration has accumulated in the country; secondly, the avoidance, thus far, of the error of former administrations in using local paper for a national currency; thirdly, the Treasury order of 11th July, 1836, which saved the Western banks last fall, and which it is the object of this bill to rescind and supersede. Two of these safeguards are in danger of being removed by law—the second and the third of them. The first will remove itself whenever the premium on foreign exchange rises to 10½, (at which point it is profitable to export specie,) and that premium is now at near 10, and rising; and it will remove itself whenever the Federal Government, relapsing into the fatal error of receiving and paying out paper money, shall cease to create a home demand for the employment of gold and silver. The day of revulsion (said Mr. B.) may come sooner or later, and its effects may be more or less disastrous; but come it must, and disastrous, to some degree, it must be. The present bloat in the paper system cannot continue; the present depreciation of money, exemplified in the high price of every thing dependent upon the home market, cannot last. The revulsion will come, as surely as it did in 1819–'20. But it will come with force if the Treasury order is maintained, and if paper money shall be excluded from the federal Treasury. But, let these things go as they may, and let reckless or mischievous banks do what they please, there is still a refuge for the wise and good; there is still an ark of safety for every honest bank and for every prudent man; it is in the mass of gold and silver now in the country—the seventy odd millions which the wisdom of President Jackson's administration has accumulated—and by getting their share of which, all who are so disposed can take care of themselves.

Sir, (said Mr. B.,) I have performed a duty to myself, not pleasant, but necessary. This bill is to be an era in our legislation and in our political history. It is to be a point upon which the future age will be thrown back, and from which future consequences will be traced. I separate myself from it; I wash my hands of it; I oppose it. I am one of those who promised gold, not paper. I promised the currency of the constitution, not the currency of corporations. I did not join in putting down the Bank of the United States, to put up a wilderness of local banks. I did not join in putting down the paper currency of a national bank, to put up a national paper currency of a thousand local banks.

I did not strike Cæsar, to make Anthony master of Rome.

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APPENDIX.

No. 1.—*Extract from Debates in Congress.*

But, Mr. President, so important is this object, that I think that, far from diminishing, we ought rather to increase and multiply, our securities; and I am not prepared to say that, even with the continuance of the bank charter, and under its wisest administration, I regard the state of our currency as entirely safe. It is evident to me that the general paper circulation has been extended too far for the specie basis on which it rests. Our system, as a system, dispenses too far, in my judgment, with the use of gold and silver. Having learned the use of paper as a substitute, we use that substitute, I fear, too freely. It is true that our circulating paper is all redeemable in gold or silver. Legally speaking, it is all convertible into specie at the will of the holder. But a mere legal convertibility is not sufficient. There must be an actual, practical, never-ceasing convertibility. This, I think, is not, at present, sufficiently secured; and it is a matter that well deserves the serious consideration of the Senate. The paper circulation of the country is, at this time, probably 75 or 80,000,000 of dollars. Of specie we may have 20 or 22,000,000, and this, principally, in masses in the vaults of the banks. A circulation, consisting in so great a degree of paper, is easily expanded, to furnish temporary capital to such as wish to adventure on new enterprises in trade; and the collection in the banks of most of what specie there is in the country affords all possible facility for its exportation. Hence, over-trading does frequently occur, and is always followed by an inconvenient, sometimes by a dangerous, reduction of specie. It is in vain that we look to the prudence of banks for an effectual security against over-trading. The directors of such institutions will generally go the length of their means in cashing good notes, and leave the borrower to judge for himself of the useful employment of his money. Nor would a competent security exist against over-trading, if the banks were to confine their discounts strictly to business paper, so denominated; that is, to notes and bills which represent real transactions, having been given and received on the actual purchase and sale of merchandise, because these transactions themselves may be too far extended. Men naturally have a good opinion of their own sagacity. He who believes merchandise is about to rise in price will purchase merchandise if he has money or can obtain credit. The fact of actual purchase, therefore, is not a proof of really subsisting want; and of course the amount of all purchases does not correspond always with the entire wants of the community. Too frequently it very much exceeds that measure. If, then, the discretion of the banks, exercised in deciding the amount of their discounts, is not a proper security against overtrading; if facility in obtaining bank credits naturally fosters that spirit; if the desire of gain and love of enterprise constantly cherish it; and if it finds specie collected in the banks, inciting exportation, what is the remedy suited and adequate to the case? Now, I think, sir, that a closer inquiry into the direct source of the evil will suggest a remedy. Why have we so small an amount of specie in circulation? Certainly the reason is, we do not require more. We have but to ask its presence, and it would return. But we voluntarily banish it, by the great amount of small bank notes. In most of the States, the banks issue notes of all low denominations, down even to a single dollar. How is it possible, under such circumstances, to retain specie in currency? All experience shows it to be impossible. The paper will take the place of the gold and silver. When Mr. Pitt, in the year 1797, proposed in Parliament to authorize the Bank of England to issue one-pound notes, Mr. Burke lay sick at Bath, of an illness from which he never recovered; and he is said to have written to the late Mr. Canning, "Tell Mr. Pitt, if he consents to the issuing of one-pound notes, he must never expect to see a guinea again."

The one-pound notes were issued, and the guineas disappeared. A similar cause is now producing a precisely similar effect with us. Small notes have expelled dollars and half dollars from circulation in all the States in which such notes are issued. On the other hand, dollars and half dollars abound in those States which have adopted a wiser policy. Virginia, Pennsylvania, Maryland, Louisiana, and some others, I think seven in all, do not allow their banks to issue notes under five dollars. Every traveller notices the difference, when he passes from one of these States into one where small notes are allowed. The evil, then, is the issuing of small notes by State banks. Of these notes, that is to say, notes under five dollars, the amount now in circulation is eight or ten millions of dollars. Can these notes be withdrawn? If they can, their place will be immediately supplied by a specie circulation of equal amount. The object is a great one, as it is connected with the safety and stability of the currency, and may well justify a serious reflection on the means of accomplishing it. May not Congress and the State Governments, acting, not unitedly, but severally, to the same end, easily and quietly attain it? I think they may. It is but for other States to follow the good example of those which I have mentioned, and the work is done. As an inducement to the States to do this, I propose, in the present bill, to reserve to Congress a power of withdrawing from circulation a pretty large part of the issues of the United States Bank. I propose this, so that the State banks may withdraw their small notes, and find their compensation in a larger circulation of a higher denomination. My proposition will be, that, at any time after the expiration of the existing charter of the bank, that is, after 1836, Congress may, if it see fit, restrain the bank from issuing for circulation notes or bills under a certain sum—say ten or twenty dollars. This will diminish the circulation, and consequently the profits of the bank; but it is of less importance to make a bank a highly profitable institution to stockholders, than that it should be safe and useful to the community. It ought not, certainly, to be restrained from the enjoyment of all the fair advantages to be derived from the discreet use of its capital, in banking transactions; but the leading object, after all, in its continuance, is, and ought to be, not private emolument, but public benefit.

It may perhaps strike some gentlemen that the circulation of small notes might be effectually discouraged, by refusing to receive all such small notes, and all notes of such banks as issued them, at the custom-houses, land offices, post offices, and other places of public receipt, and by causing them to be refused, also, either in payment or deposite at the Bank of the United States.

But the effect of such refusal may be doubtful. It would certainly in some degree discredit such notes, but probably it would not drive them out of circulation altogether; and if it did not do this, it might increase their circulation. If in some degree they become discredited, they would become cheaper than other notes; and experience proves that of two things which may be current, the cheaper will always expel the other. Thus silver, because it is proportionally cheaper with us than gold, has driven the gold out of the country. Thus, as we can pay our debts cheaper in silver than in gold, we use nothing but silver, and the gold goes where it is more highly valued. The same thing always happens between two sorts of paper which are found at the same time in circulation. That which is cheapest, or of less value

than the other, always drives its more respectable associate out of its company.

No. 2.

A fourth improvement which Mr. B. had proposed was to limit the notes issued by the banks to the minimum size of twenty dollars, and to exclude all notes under that minimum, issued by other banks, from circulation within the District. He confessed that he felt an extreme degree of mortification in making a motion in the Congress of the United States to limit the size of bank notes, when this Congress was sitting here, and held its existence by virtue of a constitution which recognised nothing for currency but gold and silver; but he feared he might be subject to a still greater mortification in witnessing the failure of his motion, and the triumph of the paper system over this small attempt to check one of its greatest abuses. The limit of twenty dollars was the lowest that could be taken to accomplish the great objects in view; and that limit was not assumed arbitrarily, but from a careful observation of the effect of different limits, in different countries, upon the nature and amount of the circulating medium.

The great evils of a small paper currency are: 1. To banish gold and silver; 2. To encourage counterfeiting; 3. To destroy the standard of values; 4. To throw the burdens and the evils of the paper system upon the laboring and small dealing part of the community.

The instinct of banks to sink their circulation to the lowest denomination of notes which can be forced upon the community is a trait in the system universally proved to exist wherever banks of circulation have been permitted to give a currency to a country; and the effect of that instinct has always been to banish gold and silver. When the Bank of England was chartered, in the year 1694, it could issue no note less than £100 sterling; that amount was gradually reduced, by the persevering efforts of the bank, to £50; then to £20; then to £15; then to £10; at last to £5; and, finally, to £2 and £1. These last denominations were not reached until the year 1797, or until one hundred and three years after the institution of the bank; and as the several reductions in the size of the notes, and the consequent increase of paper currency, took place, gold became more and more scarce; and with the issue of the one and two pound notes, it totally disappeared from the country.

This effect was foretold by all political economists, and especially by Mr. Burke, then aged and retired from public life, who wrote from his retreat to Mr. Canning, to say to Mr. Pitt, the prime minister, these prophetic words: "If this bill for the one and two pound notes is permitted to pass, we shall never see another guinea in England." The bill did pass, and the prediction was fulfilled; for not another guinea, half guinea, or sovereign, was seen in England, for circulation, until the bill was repealed, two-and-twenty years afterwards! After remaining nearly a quarter of a century without a gold circulation, England abolished her one and two pound notes, limited her paper currency to £5 sterling, required all Bank of England notes to be paid in gold, and allowed four years for the act to take effect. Before the four years were out, the Bank of England reported to Parliament that it was ready to begin gold payments; and commenced accordingly, and has continued them ever since. The one and two pound notes in England correspond with the five and ten dollar notes in the United States, and the five-pound note is only four dollars above our twenty dollars; so that the analogy is perfect, and the effect must be similar upon our fives, tens, and twenties, that it was in England from the issue and suppression of the one and two pound notes, and the limitation to £5, with the compulsory obligation to pay it.

The encouragement of counterfeiting was the next great evil which Mr. B. pointed out as belonging to a small-note currency; and of all the denominations of notes, he said, those of one and two pounds in England, corresponding with fives and tens in the United States, were those to which the demoralizing business of counterfeiting was chiefly directed! They were the chosen game of the forging depredator! and that, for the obvious reasons that fives and tens were small enough to pass currently among persons not much acquainted with bank paper, and large enough to afford some profit to compensate for the expense and labor of producing the counterfeit, and the risk of passing it! Below fives, the profit is too small for the labor and risk. Too many have to be forged and passed before an article of any value can be purchased; and the change to be got in silver, in passing one for a small article, is too little. Of twenty and upwards, though the profit is greater on passing them, yet the danger of detection is also greater. On account of its larger size, the note is not only more closely scrutinized before it is received, and the passer of it better remembered, but the circulation of them is more confined to business men and large dealers, and silver change will not be given for them in buying small articles. The fives and tens, then, in the United States, like the £1 and £2 in England, are the peculiar game of counterfeiters; and this is fully proved by the criminal statistics of the forgery department in both countries. According to returns made to the British Parliament for twenty-two years—from 1797 to 1819, the period in which the one and two pound notes were allowed to circulate—the whole number of prosecutions for counterfeiting, or passing counterfeit notes of the Bank of England, was 998; in that number there were 313 capital convictions, 530 inferior convictions, and 155 acquittals; and the sum of £249,900, near a million and a quarter of dollars, was expended by the bank in attending to prosecutions. Of this great number of prosecutions, the returns show that the mass of them were for offences connected with the one and two pound notes. The proportion may be distinctly seen in the number of counterfeit notes of different denominations detected at the Bank of England in a given period of time—from the 1st of January, 1812, to the 10th of April, 1818—being a period of six years and three months, out of the twenty-two years that the one and two pound notes continued to circulate. The detections were, of one-pound notes, the number of 107,238; of two-pound notes, 17,787; of five-pound notes, 5,826, of ten-pound notes, 419; of twenty-pound notes, 54. Of all above twenty pounds, 35. The proportion of ones and twos to the other sizes may be well seen in the tables for this brief period; but to have any idea of the mass of counterfeiting done upon these small notes, the whole period of twenty-two years must be considered, and the entire kingdom of Great Britain taken in; for the list only includes the number of counterfeits detected at the counter of the bank, a place to which the guilty never carry their forgeries, and to which a portion only of those circulating in and about London could be carried. The proportion of crime connected with the small notes is here shown to be enormously and frightfully great. The same results are found in the United States. Mr. B. had looked over the statistics of crime connected with the counterfeiting of bank notes in the United States, and found the ratio between the great and small notes to be about the same that it was in England. He had recourse to the most authentic data—Bicknell's Counterfeit Detector—and there found the editions of counterfeit notes of the local or State banks to be eight hundred and eighteen, of which seven hundred and fifty-six were of ten dollars and under; and sixty-two editions only were of twenty dollars and upwards. Of the Bank of the United States and its branches, he found eighty-two editions of fives;

seventy-one editions of ten; twenty-six editions of twenties; and two editions of fifties; still showing that in the United States, as well as in England, on local banks as well as that of the United States, the course of counterfeiting was still the same, and that the whole stress of the counterfeit upon the five and ten dollar notes in this country, and their corresponding classes, the one and two pound notes in England. Mr. E. also exhibited the pages of Bicknell's Counterfeit Detector, a pamphlet covered over, column after column, with its frightful list, nearly all under twenty dollars, and he called upon the Senate, as the sacred guide of the morals of the country, in the name of virtue and morality, to endeavor to check the torrent of this crime, by stopping the issue of the description of notes in which it carried nearly its whole force.

Mr. E. could not quit the evils of the crime of counterfeiting in the United States without remarking that the difficulty of legal detection and punishment was so great, owing to the distance at which the counterfeits were executed from the banks purporting to issue them, and the still greater difficulty, in most cases impossible, to get witnesses to attend a person in a State in which they do not reside, the counterfeiters all choosing to practise their crime and execute their forgeries in States which do not contain the banks whose paper they are imitating. So difficult is it to obtain the attendance of witnesses in other States, that the crime of counterfeiting is almost practised with impunity. The notes under 20 dollars feed and support the crime, let them be stopped, and ninety-nine hundredths of the crime will stop with them.

A third objection which Mr. E. urged against the notes under twenty dollars was, that nearly the whole evils of that part of the paper system fell upon the laboring and small dealing part of the community. Nearly all the counterfeits lodged in their hands, or were drawn out of their hands. When a bank failed, the mass of its circulation, being in small notes, sunk upon their hands. The gain to the banks from the wear and tear of small notes came out of them, the loss from the same cause falling upon them. The 10 or 12 per cent. annual profit for furnishing a currency in place of gold and silver (for which no interest would be paid to the mint or the Government) chiefly falls upon them, for the paper currency is chiefly under twenty dollars. These evils fall almost exclusively upon, while they have, over and above all these, their full proportion of all the evils resulting from the expansions and contractions which are necessarily going on, totally destroying the standard of value, periodically convulsing the country, and in every cycle of five or six years making a lottery of all property, in which all the prizes are drawn by the rich managers and their friends.

In proposing the limitation of twenty dollars to these District banks, Mr. E. of course coupled with it the concomitant provision for the exclusion of all notes under the same limit issued without the District. This was a precaution as just and natural as it was easy. A prohibitory law, with a liability in every passer to pay the amount of the notes, with costs and damages, in specie, and especially in gold, with summary process before a justice of the peace for the recovery, would effectually expel the interdicted and pestiferous paper.

Mr. E. said that the proposed limit of twenty dollars for the minimum size of bank notes was was not an arbitrary assumption or a fanciful designation; but was a limit ascertained by experience, and proven by results, to be the lowest that would suffice to accomplish the ends intended. These ends are: 1. To re-establish the gold currency. 2. To make gold and silver the common currency for all the small dealings of the country. 3. To extend and enlarge the specie basis of the paper circulation. 4. To save the laboring and small dealing part of the community from the effects of contractions and expansions from bank causes. 5. To save them from the impositions of counterfeiters, from losses when banks fail, and from bearing the whole burthen of the wear and tear of small notes. 6. To save hard money enough in the country to make it safe to have such paper currency as commerce and large dealings may require. These are the objects to be accomplished, and less than twenty dollars will have no adequate effect; for better would be the limit of one hundred dollars, as it is nearly in France, and where that limit insures a circulation of nine tenths of gold and silver, and one tenth paper; namely, upwards of five hundred millions of dollars of ours, and fifty millions of the other. What would it be in any single State to adopt this limit, and to exclude all notes under that amount from circulation within its borders, that State would become the richest and the happiest in the Union. It would be, in its measure comparatively, to the rest of the Union, what France is to the rest of Europe—the depository of their precious metals, the perennial fountain of golden supply to its citizens, and the land of rest from the panics and pressures, the ebbs and flows, the feasts and famines, the dearths and cheapness, the expansions, contractions, and revulsions, and all the crimes and misfortunes of the paper system.

But to proceed with the twenty-dollar limit. While England had notes as low as one and two pounds, which we may call five and ten dollars, the specie basis contracted and diminished until silver could only be got for small change, and gold fled entirely from the country. The mint was forever coining, but the guineas and sovereigns went straight to France; and it was testified by Mr. Alexander Baring, before a committee of the House of Commons, that the gold coinage of the British mint, during the period, was regularly remitted to France, often without seeing the light in England; being packed in boxes and shipped as a remedy from the mint, delivered in Paris before it was a week old, and sometimes in the worst of French currency, by passing through the French mint, and assuming the stamp and arms of France. The suppression of the one and two pound notes in 1811, and the £5 limit, with the compulsory obligation on the Bank of England to pay all its notes in gold, restored the gold currency in that country, and so extended and enlarged the specie basis, as to make her currency half and half—half specie and half paper—the specie two thirds gold, and one third silver, and the paper all of £5, about $25, and upwards. This has made a paper currency safe in England, for it is a dollar for dollar; it has given to the laboring and small dealing classes a hard-money currency, and it has taken from the counterfeiters their chief and favorite classes of notes for imitation. Mr. E. took the great ground that, where a paper currency was tolerated at all, the safety and welfare of the community required the specie proportion to be one half, that it required a £5 limit, and gold payments, to effect that object in England; that a limit of twenty dollars would not effect it in the United States; and he was only restrained from proposing the French limit, from the impossibility of contending successfully with the bank power at present, now omnipotent in the country, engrossing the time and governing the legislation in whatever related to their own interests. A twenty-dollar limit would not give a substratum of half specie, even if our banks were compelled to pay all gold; but there is no compulsion on them to pay any part; and the efforts to bring them to half payments in gold would be long and bitterly resisted. Gold is the enemy of paper, it keeps it down when the holder of the paper has a right to demand gold, and thus a paper currency founded upon gold, as it is in England, will always be kept more within bounds than a paper cur-

rency founded upon silver. Silver is too cumbrous to hold paper in check. A person would not wish to change even a twenty-dollar note into silver to carry in his pocket, but would gladly change it into gold; and so of fifty and hundred dollar notes.

When Mr. BENTON had concluded his speech,

Mr. GRUNDY moved to lay the bill on the table, for the purpose of taking up and acting on the resolution submitted by him for the appointment of a joint committee to count the

VOTES FOR PRESIDENT AND VICE PRESIDENT.

This motion having been agreed to, and Mr. GRUNDY's resolution being before the Senate,

Mr. GRUNDY said he had no objections to the inquiry proposed by the amendment; and he thought that some such provision as that proposed by the Senator from Kentucky would be very proper. He had seen in the public papers a statement charging that some of the electors who voted in the late presidential election held offices under the General Government, and had made inquiries for the purpose of ascertaining the truth of the matter. The information he had been able to collect related to two cases only; and as to these, the report had been founded altogether on a misapprehension.

Mr. CLAY, after a few remarks, offered the following amendment:

"And, also, to inquire into the expediency of ascertaining whether any votes were given at the recent election, contrary to the prohibition contained in the second section of the second article of the constitution. And if any such votes were given, what ought to be done with them; and whether any, and what, provision ought to be made for securing the faithful observance, in future, of that section of the constitution."

Mr. HUBBARD expressed his entire concurrence in the objects of the amendment proposed by the Senator from Kentucky. He wished a strict inquiry to be instituted, and measures to be adopted to guard against the occurrence of such a violation of the constitution as the Senator from Kentucky referred to. As it had been stated that two of the electors in his State (New Hampshire) held offices under the General Government, and were consequently ineligible, he was happy to state to the Senate that there was no foundation whatever for the report.

The amendment of Mr. CLAY was then adopted, and the resolution, thus amended, was agreed to.

Mr. HUBBARD moved that the committee be appointed by the Chair; which, by unanimous consent, was was agreed to; and Messrs. GRUNDY, CLAY, and WRIGHT, were selected.

The Senate then adjourned.

SATURDAY, JANUARY 28.

RETIREMENT OF THE VICE PRESIDENT.

The VICE PRESIDENT, after the reading of the journal, addressed the Senate as follows:

Senators: The period is at hand which is to terminate the official relation that has existed between us, and I leave, probably never to return to it, a body with which I have been long connected; where some remain whom I found here fifteen years ago, and where, in the progress of public duties, personal associations have arisen never to be forgotten. From such scenes I cannot retire without emotion. Nor can I give to the Senate the usual opportunity of choosing another to preside for a time over their deliberations, without referring to the manner in which I have endeavored to discharge a most gratifying and honorable trust connected with the office to which my country called me.

Entering upon it with unaffected diffidence, well knowing how little my studies had been directed to its peculiar duties, I was yet strengthened by the determination, then expressed, so to discharge the authority with which I was invested, as "best to protect the rights, to respect the feelings, and to guard the reputations, of all who would be affected by its exercise." I was sure that, if successful in this, I should be pardoned for errors which I could hardly expect to avoid.

In the interval that has since elapsed, it has been our lot in this assembly to pass through scenes of unusual excitement: the intense interest on absorbing topics, which has pervaded our whole community, could not be unfelt within these walls. The warmth of political parties, natural in such times, the unguarded ardor of sudden debate, and the collisions seldom to be separated from the invaluable privilege of free discussion, have not been unfrequently mingled with the more tranqu l tenor of ordinary legislation. I cannot hope that, in emergencies like these, I have always been so fortunate as to satisfy every one around me; yet I permit myself to think that the extent to which my decisions have been approved by the Senate is some evidence that my efforts justly to administer their rules have not been vain; and I conscientiously cherish the conviction, that on no occasion have I departed from my early resolution, or been regardless of what was due to the rights or the feelings of the members of this body.

Though I may henceforth be separated from the Senate, I can never cease to revert with peculiar interest to my long connexion with it. In every situation in my future life I shall remember with a just pride the evidences of approbation and confidence which I have here received; and as an American citizen, devotedly attached to the institutions of my country, I must always regard with becoming and sincere respect a branch of our Government invested with such extensive powers, and designed by our forefathers to accomplish such important results.

In dulging an ardent wish that every success may await you in performing the exalted and honorable duties of your public trust, and offering my warmest prayers that prosperity and happiness may be constant attendants on each of you, along the future paths of life, I respectfully bid you farewell.

After the VICE PRESIDENT had retired,

On motion of Mr. GRUNDY, the Senate proceeded to ballot for a President *pro tem.*

The number of votes cast was 37; necessary to a choice 19. Mr. KING of Alabama had 26, Mr. SOUTHARD 7, Mr. CLAY 1, Mr. PRENTISS 1, Mr. EWING of Ohio, 1, Mr. BUCHANAN 1.

Mr. KING, of Alabama, being thus duly elected President *pro tem.* of the Senate, was conducted to the Chair by Mr. BENTON, and addressed the Senate nearly as follows:

Gentlemen of the Senate: To be again called to preside over the deliberations of this august assembly fills my heart with the liveliest emotions of gratitude. When at the last session it pleased the Senate to place me in this exalted situation, I solemnly pledged myself to discharge the duties it devolved on me, without favor and without partiality. I felt conscious that I had done so; but could any thing add to the grateful sense I entertain of the honor you have again conferred on me, it will be found in the unequivocal testimony you have this day borne, that I had faithfully redeemed that pledge. The Senate of the United States, gentlemen, is, from its very organization, the great conservative body in this republic. Here is the strong citadel of liberty. To this body the intelligent and the virtuous, throughout our wide-spread country, look with confidence for an unwavering and unflinching resistance to

seventy-one editions of tens; twenty-six editions of twenties; and two editions of fifties; still showing that in the United States, as well as in England, on local banks as well as that of the United States, the course of counterfeiting was still the same; and that the whole stress of the crime fell upon the five and ten dollar notes in this country, and their corresponding classes, the one and two pound notes in England. Mr. B. also exhibited the pages of Bicknell's Counterfeit Detector, a pamphlet covered over, column after column, with its frightful lists, nearly all under twenty dollars; and he called upon the Senate, in the sacred name of the morals of the country, in the name of virtue and morality, to endeavor to check the fountain of this crime, by stopping the issue of the description of notes on which it exerted nearly its whole force.

Mr. B. could not quit the evils of the crime of counterfeiting in the United States without remarking that the difficulty of legal detection and punishment was so great, owing to the distance at which the counterfeits were circulated from the banks purporting to issue them, and the still greater difficulty, in most cases impossible, to get witnesses to attend in person in States in which they do not reside, the counterfeiters all choosing to practise their crime and circulate their forgeries in States which do not contain the banks whose paper they are imitating. So difficult is it to obtain the attendance of witnesses in other States, that the crime of counterfeiting is almost practised with impunity. The notes under 20 dollars feed and supply this crime; let them be stopped, and ninety-nine hundredths of this crime will stop with them.

A third objection which Mr. B. urged against the notes under twenty dollars was, that nearly the whole evils of that part of the paper system fell upon the laboring and small dealing part of the community. Nearly all the counterfeits lodged in their hands, or were shaved out of their hands. When a bank failed, the mass of its circulation, being in small notes, sunk upon their hands. The gain to the banks from the wear and tear of small notes came out of them, the l ss from the same cause falling upon them. The 10 or 12 per cent. annual profit for furnishing a currency in place of gold and silver (for which no interest would be paid to the mint or the Government) chiefly falls upon them; for the paper currency is chiefly under twenty dollars. These evils they almost exclusively bear, while they have, over and above all these, their full proportion of all the evils resulting from the expansions and contractions which are incessantly going on, totally destroying the standard of value, periodically convulsing the country, and in every cycle of five or six years making a lottery of all property, in which all the prizes are drawn by the bank managers and their friends.

In proposing the limitation of twenty dollars to these District banks, Mr. B. of course coupled with it the concomitant provision for the exclusion of all notes under the same limit issued without the D strict. This was a precaution as just and natural as it was easy. A prohibitory law, with a liability in every passer to pay the amount of the notes, with costs and damages, in specie, and especially in gold, with summary process before a justice of the peace for the recovery, would effectually expel the interdicted and pestif rous paper.

Mr. B. said that the proposed limit of twenty dollars for the minimum size of bank notes was was not an arbitrary assumption or a fanciful designation; but was a limit ascertained by experience, and proven by results, to be the lowest that would suffice to accomplish the ends intended. These ends are: 1. To re-establish the gold currency. 2. To make gold and silver the common currency for all the small dealings of the country. 3. To extend and enlarge the specie basis of the paper circulation. 4. To save the laboring and small dealing part of the community from the effects of contractions and expansions from bank issues. 5. To save them from the impositions of counterfeiters, from losses when banks fail, and from bearing the whole burden of the wear and tear of small notes. 6. To save hard money enough in the country to make it safe to have such paper currency as commerce and large dealings may require. These are the objects to be accomplished, and less than twenty dollars will have no adequate effect; far better would be the limit of one hundred dollars, as it is nearly in France, and where that limit insures a circulation of nine tenths of gold and silver, and one tenth paper; namely, upwards of five hundred millions of dollars of one, and fifty millions of the other. Wise would it be in any single State to adopt this limit, and to exclude all notes under that amount from circulation within its borders; that State would become the richest and the happiest in the Union. It would be, in its moneyed concerns, to the rest of the Union, what France is to the rest of Europe—the absorbent of their precious metals, the perennial fountain of golden supply to its citizens, and the land of rest from the panics and pressures, the ebbs and flows, the feasts and famines, the dearths and deluges, the expansions, contractions, and revulsions, and all the crimes and misfortunes of the paper system.

But to proceed with the twenty-dollar limit. While England had notes as low as one and two pounds, which we may call five and ten dollars, the specie basis contracted and diminished until silver could only be got for small change, and gold fled entirely from the country. The mint was forever coining, but the guineas and sovereigns went straight to France; and it was testified by Mr. Alexander Baring, before a committee of the House of Commons, that the gold coinage of the British mint, during this period, was regularly recoined in France, often without seeing the light in England; being packed in boxes and shipped as it issued from the mint, delivered in Paris before it was a week old, and swallowed up in the ocean of French currency, by passing through the French mint, and assuming the stamp and arms of France. The suppression of the one and two pound notes in 1819, and the £5 limit, with the compulsory obligation on the Bank of England to pay all its notes in gold, restored the gold currency in that country, and so extended and enlarged the specie basis, as to make her currency half and half—half specie and half paper—the specie two thirds gold, and one third silver; and the paper all of £5, about $24, and upwards. This has made a paper currency safe in England, for it is dollar for dollar; it has given to the laboring and small dealing classes a hard-money currency, and it has taken from the counterfeiters their chief and favorite classes of notes for imitation. Mr. B. took the great ground that, where a paper currency was tolerated at all, the safety and welfare of the community required the specie proportion to be one half; that it required a £5 limit, and gold payments, to effect that object in England; that a limit of twenty dollars would not effect it in the United States; and he was only restrained from proposing the French limit, from the impossibility of contending successfully with the bank power at present, now omnipotent in the country, engrossing the time and governing the legislation in whatever related to their own interests. A twenty-dollar limit would not give a substratum of half specie, even if our banks were compelled to pay all gold; but there is no compulsion on them to pay any part; and the efforts to bring them to half payments in gold would be long and bitterly resisted. Gold is the enemy of paper; it keeps it down when the holder of the paper has a right to demand gold; and thus a paper currency founded upon gold, as it is in England, will always be kept more within bounds than a paper cur-

rency founded upon silver. Silver is too cumbrous to hold paper in check. A person would not wish to change even a twenty-dollar note into silver to carry in his pocket, but would gladly change it into gold; and so of fifty and hundred dollar notes.

When Mr. BENTON had concluded his speech,

Mr. GRUNDY moved to lay the bill on the table, for the purpose of taking up and acting on the resolution submitted by him for the appointment of a joint committee to count the

VOTES FOR PRESIDENT AND VICE PRESIDENT.

This motion having been agreed to, and Mr. GRUNDY's resolution being before the Senate,

Mr. GRUNDY said he had no objections to the inquiry proposed by the amendment; and he thought that some such provision as that proposed by the Senator from Kentucky would be very proper. He had seen in the public papers a statement charging that some of the electors who voted in the late presidential election held offices under the General Government, and had made inquiries for the purpose of ascertaining the truth of the matter. The information he had been able to collect related to two cases only; and as to these, the report had been founded altogether on a misapprehension.

Mr. CLAY, after a few remarks, offered the following amendment:

"And, also, to inquire into the expediency of ascertaining whether any votes were given at the recent election, contrary to the prohibition contained in the second section of the second article of the constitution. And if any such votes were given, what ought to be done with them; and whether any, and what, provision ought to be made for securing the faithful observance, in future, of that section of the constitution."

Mr. HUBBARD expressed his entire concurrence in the objects of the amendment proposed by the Senator from Kentucky. He wished a strict inquiry to be instituted, and measures to be adopted to guard against the occurrence of such a violation of the constitution as the Senator from Kentucky referred to. As it had been stated that two of the electors in his State (New Hampshire) held offices under the General Government, and were consequently ineligible, he was happy to state to the Senate that there was no foundation whatever for the report.

The amendment of Mr. CLAY was then adopted, and the resolution, thus amended, was agreed to.

Mr. HUBBARD moved that the committee be appointed by the Chair; which, by unanimous consent, was was agreed to; and Messrs. GRUNDY, CLAY, and WRIGHT, were selected.

The Senate then adjourned.

SATURDAY, JANUARY 28.

RETIREMENT OF THE VICE PRESIDENT.

The VICE PRESIDENT, after the reading of the journal, addressed the Senate as follows:

Senators: The period is at hand which is to terminate the official relation that has existed between us, and I leave, probably never to return to it, a body with which I have been long connected; where some remain whom I found here fifteen years ago, and where, in the progress of public duties, personal associations have arisen never to be forgotten. From such scenes I cannot retire without emotion. Nor can I give to the Senate the usual opportunity of choosing another to preside for a time over their deliberations, without referring to the manner in which I have endeavored to discharge a most gratifying and honorable trust connected with the office to which my country called me.

Entering upon it with unaffected diffidence, well knowing how little my studies had been directed to its peculiar duties, I was yet strengthened by the determination, then expressed, so to discharge the authority with which I was invested, as "best to protect the rights, to respect the feelings, and to guard the reputations, of all who would be affected by its exercise." I was sure that, if successful in this, I should be pardoned for errors which I could hardly expect to avoid.

In the interval that has since elapsed, it has been our lot in this assembly to pass through scenes of unusual excitement: the intense interest on absorbing topics, which has pervaded our whole community, could not be unfelt within these walls. The warmth of political parties, natural in such times, the unguarded ardor of sudden debate, and the collisions seldom to be separated from the invaluable privilege of free discussion, have not been unfrequently mingled with the more tranqu l tenor of ordinary legislation. I cannot hope that, in emergencies like these, I have always been so fortunate as to satisfy every one around me; yet I permit myself to think that the extent to which my decisions have been approved by the Senate is some evidence that my efforts justly to administer their rules have not been vain; and I conscientiously cherish the conviction, that on no occasion have I departed from my early resolution, or been regardless of what was due to the rights or the feelings of the members of this body.

Though I may henceforth be separated from the Senate, I can never cease to revert with peculiar interest to my long connexion with it. In every situation in my future life I shall remember with a just pride the evidences of approbation and confidence which I have here received; and as an American citizen, devotedly attached to the institutions of my country, I must always regard with becoming and sincere respect a branch of our Government invested with such extensive powers, and designed by our forefathers to accomplish such important results.

In lulging an ardent wish that every success may await you in performing the exalted and honorable duties of your public trust, and offering my warmest prayers that prosperity and happiness may be constant attendants on each of you, along the future paths of life, I respectfully bid you farewell.

After the VICE PRESIDENT had retired,

On motion of Mr. GRUNDY, the Senate proceeded to ballot for a President *pro tem.*

The number of votes cast was 37; necessary to a choice 19. Mr. KING of Alabama had 26, Mr. SOUTHARD 7, Mr. CLAY 1, Mr. PRENTISS 1, Mr. EWING of Ohio, 1, Mr. BUCHANAN 1.

Mr. KING, of Alabama, being thus duly elected President *pro tem.* of the Senate, was conducted to the Chair by Mr. BENTON, and addressed the Senate nearly as follows:

Gentlemen of the Senate: To be again called to preside over the deliberations of this august assembly fills my heart with the liveliest emotions of gratitude. When at the last session it pleased the Senate to place me in this exalted situation, I solemnly pledged myself to discharge the duties it devolved on me, without favor and without partiality. I felt conscious that I had done so; but could any thing add to the grateful sense I entertain of the honor you have again conferred on me, it will be found in the unequivocal testimony you have this day borne, that I had faithfully redeemed that pledge. The Senate of the United States, gentlemen, is, from its very organization, the great conservative body in this republic. Here is the strong citadel of liberty. To this body the intelligent and the virtuous, throughout our wide-spread country, look with confidence for an unwavering and unflinching resistance to

the encroachments of power on the one hand, and the effervescence of popular excitement on the other. Unawed and unseduced, it should firmly maintain the constitution in its purity, and present an impregnable barrier against every attack on that sacred instrument, come it from what quarter it may. The demon of faction should find no abiding place in this chamber, but every heart and every head should be wholly occupied in advancing the general welfare, and preserving, unimpaired, the national honor. To insure success, gentlemen, in the discharge of our high duties, we must command the confidence and receive the support of the people. Calm deliberation, courtesy towards each other, order and decorum in debate, will go far, very far, to inspire that confidence and command that support. It becomes my duty, gentlemen, to banish (if practicable) from this hall all personal altercation; to check, at once, every remark of a character personally offensive; to preserve order, and promote harmony. These duties, as far as my powers will permit, I shall unhesitatingly perform. I earnestly solicit your co-operation, gentlemen, in aiding my efforts promptly to put down every species of disorder. For your kindness, gentlemen, I tender you my grateful acknowledgments.

On motion of Mr. GRUNDY, it was

Ordered, That the Secretary of the Senate inform the President of the United States and the House of Representatives that the Senate have elected the Hon. WILLIAM R. KING their President *pro tem.*

TREASURY CIRCULAR.

The bill designating and limiting the funds which shall be receivable in payment for the public revenues was taken up, being on its third reading.

Mr. SEVIER moved to postpone the further consideration of the bill until Monday, for the purpose of going on with the land bill; which motion was lost: Ayes 13, noes not counted.

Mr. WALKER then rose and said: Before replying to the indictment preferred by the honorable Senator from Missouri, [Mr. BENTON,] against the Committee on Public Lands, it is proper to recur to the facts and circumstances under which this controversy originated. At an early period of the session, the Senator from Ohio, [Mr. EWING,] introduced a resolution to rescind the Treasury order. This resolution was very fully discussed, and especially by the Senator from Missouri, [Mr. BENTON,] but Mr. W. had taken no part in this discussion.

In the progress of the debate upon the resolution of the Senator from Ohio, a substitute was offered, as an amendment, by the Senator from Virginia, [Mr. RIVES.] This substitute was advocated by that Senator, as in consonance with the President's recommendation, to render the legislation of Congress in the collection of the federal revenue auxiliary to the suppression of all notes of a smaller denomination than twenty dollars, and a consequent enlargement of the circulation of gold and silver. The Senator from Virginia had regarded the Treasury order as a temporary measure, to meet a pressing emergency, and as having in a great degree performed its office.

Mr. W. had still refrained from embarking in the discussion upon this question. Several Senators, however, had expressed their opinions, and great difficulties appeared to be presented against any satisfactory adjustment of this question. Under these circumstances, several Senators, now within the sound of his voice, had proposed to him (Mr. W.) to refer both resolutions to the Committee on Public Lands. To this reference, Mr. W. said, he had at first objected, upon the grounds that the Committee on Public Lands was engaged in the laborious examination of another question, and that the subject of designating the funds receivable for the public dues belonged more appropriately to the Committee on Finance. Upon further consultation, however, with several Senators friendly to the administration, Mr. W. had at length reluctantly assented to the proposed reference, which was accordingly made by the vote of the Senate, including that of the Senator from Missouri, [Mr. BENTON.] No other report than that which was made, so far as Mr. W. was concerned, could have been anticipated; for to every Senator with whom Mr. W. had conversed, he had expressed his concurrence in the provisions, substantially, of the resolution of the Senator from Virginia, [Mr. RIVES;] and at the last session, when the Senator from Missouri [Mr. BENTON] introduced a resolution requiring payments of the public lands in gold and silver only, the Senate would well recollect that he (Mr. W.) had then expressed his opposition to that resolution, and so had a majority of the Senators now composing the Committee on Public Lands. When, then, the Senator from Missouri voted for this reference, he could not justly have anticipated any other report than that which was made by the committee. Why, then, did the Senator from Missouri vote for this reference, and then denounce the committee for making the only report which he could have expected, in conformity with their previously avowed opinions? Mr. W. said it became his duty, as chairman of this committee, and as their organ, to report a bill containing substantially the provisions of the resolution of the Senator from Virginia. Again, the subject had been discussed in the Senate, but Mr. W. had not participated in the debate; and the bill, by a large majority, was ordered to be engrossed for a third reading; and now, when, by the usual rules of parliamentary debate, the contest might well be considered as terminated, the Senator from Missouri, [Mr. BENTON,] before the vote on the final passage, had made a very elaborate argument against the measure. To all this Mr. W. would make no objection; but when that Senator, having exhausted the argument, or having none to offer, had indulged in violent and intemperate denunciation of the Committee on Public Lands, and of the report made by him as their organ, Mr. W. could not withhold the expression of his surprise and astonishment. Mr. W. said it was his good fortune to be upon terms of the kindest personal intercourse with every Senator, and these friendly relations should not be interrupted by any aggression upon his part. And now, Mr. W. said, he called upon the whole Senate to bear witness, as he was sure they all cheerfully would, that in this controversy he was not the aggressor, and that nothing had been done or said by him to provoke the wrath of the Senator from Missouri, unless, indeed, to differ from him in opinion upon any subject constituted an offence in the mind of that Senator. If such were the views of that gentleman, if he was prepared to immolate every Senator who would not worship the same images of gold and silver which decorated the political chapel of the honorable gentleman, Mr. W. was fearful that the Senator from Missouri would do execution upon every member of the Senate but himself, and be left here alone in his glory. Mr. W. said he recurred to the remarks of the Senator from Missouri with feelings of regret, rather than of anger or excitement; and that he could not but hope, that when the Senator from Missouri had calmly reflected upon this subject, he would himself see much to regret in the course he had pursued in relation to the Committee on Public Lands, and much to recall that he had uttered under feelings of temporary excitement. Sir, (said Mr. W.,) being deeply solicitous to preserve unbroken the ranks of the democratic party in this body, participating with the people in grateful recollection of the distinguished services rendered by the Senator from Missouri to the democracy of the Union, he would pass

by many of the remarks made by that Senator on this subject.

[Mr. BENTON here rose from his chair, and demanded, with much warmth, that Mr. WALKER should not pass by one of them. Mr. W. asked, What one? Mr. B. replied, in an angry tone, Not one, sir. Then Mr. W. said he would examine them all, and in a spirit of perfect freedom; that he would endeavor to return blow for blow; and that, if the Senator from Missouri desired, as it appeared he did, an angry controversy with him, in all its consequences, in and out of this House, he could be gratified.]

Sir, (said Mr. W.,) why has the Senator from Missouri assailed the Committee on Public Lands, and himself, as its humble organ? He was not the author of this measure, so much denounced by the Senator from Missouri, nor had he said one word upon the subject. The measure originated with the Senator from Virginia, [Mr. RIVES.] He was the author of the measure, and had been, and still was, its able, zealous, and successful advocate. Why, then, had the Senator from Missouri assailed him, (Mr. W.,) and permitted the author of the measure to escape unpunished? Sir, are the arrows which appear to be aimed by the Senator from Missouri at the humble organ of the Committee on Public lands, who reported this bill, intended to inflict a wound in another quarter? Is one Senator the apparent object of assault, when another is designed as the real victim? Sir, when the Senator from Missouri, without any provocation, like a thunderbolt from an unclouded sky, broke upon the Senate in a perfect tempest of wrath and fury, bursting upon his poor head like a tropical tornado, did he intend to sweep before the avenging storm another individual more obnoxious to his censure?

Sir, (said Mr. W.,) the Senator from Missouri has thrice repeated the prayer, "God save the country from the Committee on Public Lands;" but Mr. W. fully believed that if the prayer of the country could be heard within these walls, it would be, God save us from the wild, visionary, ruinous, and impracticable schemes of the Senator of Missouri, for exclusive gold and silver currency; and such is not only the prayer of the country, but of the Senate, with scarcely a dissenting voice. Sir, if the Senator from Missouri could, by his mandate, in direct opposition to the views of the President, heretofore expressed, sweep from existence all the banks of the States, and establish his exclusive constitutional currency of gold and silver, he would bring upon this country scenes of ruin and distress without a parallel—an immediate bankruptcy of nearly every debtor, and of almost every creditor to whom large amounts were due, a prodigious depreciation in the price of all property and all products, and an immediate cessation by States and individuals of nearly every work of private enterprise or public improvement. The country would be involved in one universal bankruptcy, and near the grave of the nation's prosperity would perhaps repose the scattered fragments of those great and glorious institutions which give happiness to millions here, and hopes to millions more of disenthralment from despotic power. Sir, in resistance to the power of the Bank of the United States, in opposition to the re-establishment of any similar institution, the Senator from Missouri would find Mr. W. with him; but he could not enlist as a recruit in this new crusade against the banks of his own and every other State in the Union. These institutions, whether for good or evil, are created by the States, cherished and sustained by them, in many cases owned in whole or in part by the States, and closely united with their prosperity; and what right have we to destroy them? What right had he, a humble servant of the people of Mississippi, to say to his own, or any other State, your State legislation is wrong—your State institutions, your State banks, must be annihilated, and we will legislate here to effect this object. Are we the masters or servants of the sovereign States, that we dare speak to them in language like this—that we dare attempt to prostrate here those institutions which are created and maintained by those very States which we represent on this floor? These may be the opinions entertained by some Senators of their duty to the States they represent, but they were not his (Mr. W's) views or his opinions. He was sincerely desirous to co-operate with his State in limiting any dangerous powers of the banks, in enlarging the circulation of gold and silver, and in suppressing the small-note currency, so as to avoid that explosion which was to be apprehended from excessive issues of bank paper. But a total annihilation of all the banks of his own State, now possessing a chartered capital of near forty millions of dollars, would, Mr. W. knew, produce almost universal bankruptcy, and was not, he believed, anticipated by any one of his constituents.

But the Senator from Missouri tells us that this measure of the committee is a repeal of the constitution, by authorizing the receipt of paper money in revenue payments. If so, then the constitution never has had an existence; for the period cannot be designated when paper money was not so receivable by the Federal Government. This species of money was expresly made receivable for the public dues by an act of Congress, passed immediately after the adoption of the constitution, and which remained in force until eighteen hundred and eleven. It was so received, as a matter of practice, from eighteen hundred and eleven until eighteen hundred and sixteen, when, again, by an act of Congress then passed, and which has just expired, it was so authorized to be received during all that period. Now, although these acts have expired, there is that which is equivalent to a law still in force, expressly authorizing the notes of the specie-paying banks of the States to be received in revenue payments. It is the joint resolution of eighteen hundred and sixteen, adopted by both Houses of Congress, and approved by President Madison. That joint resolution is in these words:

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States.

Commenting upon this resolution, the Senator from Missouri, in his speech of December last, declared:

"This is the law, continued Mr. Benton, and nothing can be plainer than the right of selection which it gives to the Secretary of the Treasury."

"The words of the law are clear; the practice under it has been uniform and uninterrupted from the date of its passage to the present day. For twenty years, and under three Presidents, all the Secretaries of the Treasury have acted alike. Each has made selections, permitting the notes of some specie-paying banks to be received, and forbidding others."

Here this joint resolution is admitted by the Senator

from Missouri to be "the law," and that the practice under it has been uniform to receive the notes of specie-paying banks. If, then, to authorize the reception of the notes of specie-paying banks in payment of the public dues be a violation of the constitution, it is obvious that the constitution never has had any existence, except in the golden visions of the honorable Senator from Missouri. Sir, what more is done by the bill reported from the Committee on Public Lands, and now ordered to be engrossed by the Senate, than had been already accomplished by the joint resolution of 1816? This bill, as thus engrossed, is as follows:

"An act designating and limiting the funds receivable for the revenues of the United States.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and hereby is, required to adopt such measures as he may deem necessary to effect a collection of the public revenue of the United States, whether arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided: that is, that no such duties, taxes, debts, or sums of money, payable for lands, shall be collected or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States, under the following restrictions and conditions in regard to such notes, to wit: from and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars shall be received on account of the public dues; and from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars shall be so receivable; and from and after the thirtieth day of December, one thousand eight hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

"SEC. 2. *And be it further enacted*, That no notes shall be received by the collectors or receivers of the public money which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash: *Provided*, That if any deposite bank shall refuse to receive and pass to the credit of the United States, as cash, any notes receivable under the provisions of this act, which said bank, in the ordinary course of business, receives on general deposite, the Secretary of the Treasury is hereby authorized to withdraw the public deposites from said bank."

Now, the principal difference between the provisions of this bill and the joint resolution of 1816 consists in the exclusion by the bill of notes of small denominations from revenue payments. Yet the Senator from Missouri would leave the resolution of 1816 in full force, unrepealed, unmodified, and yet objects to the measure now before us. The Senator from Missouri would have remain in force a resolution of Congress, by which the Secretary of the Treasury may, at his discretion, receive for the public dues bank notes, even of one dollar; and yet he objects to a measure by which that discretion is limited to the receipt of notes of the higher denominations. By the resolution, as it stands, the Secretary of the Treasury may collect the whole public revenue in bank paper; by the bill, as proposed, a portion of the public dues must be collected in gold and silver; and yet the Senator from Missouri objects, and denounces the measure as a repeal of the constitution, by authorizing the payment of the public dues in bank paper, as if it were not authorized already by the joint resolution of 1816, which, as regards the customs, is untouched even by the Treasury order. Strange inconsistency! singular delusion! But has it come to this: that Congress has surrendered an unlimited discretion, as regards the funds receivable for the public dues, into the hands of the Secretary of the Treasury, and must not now interfere? That, in the opinion of the Senator from Missouri, it is all right that the Secretary of the Treasury should possess the discretionary power of receiving or rejecting bank paper in payment of the public dues; of discriminating between different individuals and different branches of the public revenue; of putting up and putting down bank paper at his pleasure—but that for Congress to interpose and define or limit that discretion is a violation of the constitution. That for the Secretary of the Treasury to regulate the currency at his pleasure, and put up and put down State banks and their paper, is all right; but that for Congress to limit and define his power, in these respects, is unconstitutional. The Secretary of the Treasury, then, must be above Congress, and above the constitution, possessing an omnipotent, unchangeable, irreversible power on this subject. Is not the Senate astounded by the avowal and advocacy of such doctrines upon this floor—doctrines worthy of the Polignacs of France, and of the Stuarts of England, but wholly incompatible with the genius of our institutions, and directly contradictory, as shall be shown hereafter, to the opinions upon this subject of our patriotic President? Are the American people prepared to sustain these doctrines—doctrines which are essentially monarchical, which take from Congress all power over this subject; which deny their authority, the authority of the representatives of the people and of the States, and erect the Secretary of the Treasury into a dictator, whose mandates we may not control or alter? Sir, if the Secretary of the Treasury may thus abolish our power on this subject, and render it unconstitutional for us to interfere with his orders, why may not every other Secretary of every other Department claim similar power and the same exemption from our control? Such doctrines are the very essence of despotism, and now for the first time have they been openly avowed upon this floor and in this country. Tell me not, then, that the Secretary of the Treasury may receive or reject bank paper at his pleasure; may receive it, as he now does, for customs, and reject it in payment of the public lands; and that it is unconstitutional for Congress to regulate, define, and limit, that discretion. Standing upon the broad basis of the constitution, he would resist such doctrines; for they can only be maintained by a total overthrow of free government, and the establishment of arbitrary and despotic power.

But the Senator from Missouri tells us that he objects to the bill of the committee as an act of Congress, when it should have been a resolution. Sir, does that Senator contend that in directions given by Congress to the Secretary of the Treasury, as regards the funds receivable for the public dues, there is any distinction between a *be it enacted*, and a *be it resolved*, by the Congress of the United States? The constitution prescribes no such form, and recognises no such distinction. It requires joint resolutions, except for adjournment, as well as laws, to be approved by the President; and when this is done, they have the same obligatory energy in limiting and directing the acts of our public agents. Sir, when the Senator from Missouri urged this new objection, he seemed to have forgotten his speech of December last, in which, when commenting upon the joint resolution of 1816, he declared "this is the law;" but now that Senator would have us believe that a joint resolution is not equivalent to a law of Congress. But if there be this distinction between a law and a joint resolution, in support of this plea of abatement, upon

which the Senator from Missouri now relies, it shall be shown, before the close of this address, that the Senator from Missouri has himself, within the last twelve months, proposed laws, and amendments to laws, expressly authorizing the receipt of bank paper in payment of the public dues; and, consequently, if his own argument be true, has proposed a repeal of the constitution. Before, however, proceeding to this branch of the subject, let me ask, if the reception of bank paper in payment of the public dues be a violation of the constitution, then not only have Congress, but this administration, and every one that preceded it, uniformly violated the constitution. Down to the period of the Treasury order of July last, this administration has constantly received bank paper in payment of the federal revenue, and is still receiving it, even under the Treasury order, in payment of customs. The argument, then, of the Senator from Missouri, is a bitter denunciation of the whole course of the President on this subject preceding the Treasury order, and it is also a denunciation of the principles of that order, so far as it does not exclude bank paper in payment of customs. The administration is now receiving bank paper in payment of customs, and no change on this subject is proposed by the President; and yet the Senator from Missouri tells us, that for Congress to authorize the reception of bank paper in payment of the public dues is to repeal the constitution. Here is conclusive evidence that the Senator from Missouri goes far beyond the views of the President upon this subject. But the Senator from Missouri objects to the proviso of the bill introduced by the Committee on Public Lands, authorizing the Secretary of the Treasury to withdraw the deposites from any bank which refuses to pass to the credit of the United States, as cash, the notes of such specie-paying banks, receivable under this bill, as the bank receives on general deposite. This proviso is a wholesome restriction upon the abuse of power by the deposite banks. It will curtail, and was intended to curtail, the power of the deposite banks. It will arrest an odious monopoly, by preventing the deposite banks from making their notes the only paper receivable for the public dues; thus rendering, for all practical purposes, the paper of these banks the only currency of the Federal Government, to the manifest inconvenience of the people, and the severe oppression of other State banks equally as solvent as these institutions. It will prevent an oligarchy of deposite banks from controlling the currency, and exercising a power over the prosperity of the country quite as despotic as that possessed by the Bank of the United States. If we reject this proviso, we shall only have disenthralled the American people from the Bank of the United States; one master, to substitute eighty masters; a combination of which, uncontrolled by this proviso, might hold in their power the prosperity of this nation. This same power was confided, in relation to the removal of the deposites, to the Secretary of the Treasury, as regards the Bank of the United States; and the existence, as well as the exercise, of this power, by that officer, was deemed, by the Senator from Missouri, most wise and salutary. Yet the Senator from Missouri now objects to this power, and says he would not intrust it even to the administration of the President or of his successor. Indeed! The Senator from Missouri would not confide to the Secretary of the Treasury the neccssary power to remove the public moneys from any deposite bank, thus abusing its authority, and oppressing the people, in the contingency referred to in the proviso; and yet he would permit the joint resolution of 1816 to remain unrepealed and unmodified, by which the Secretary of the Treasury might, at his discretion, regulate the whole currency of the country, receive or reject bank paper at his option, change and rechange his orders upon this subject, introduce or exclude the currency of gold and silver, and exercise over this whole subject powers unregulated and uncontrolled. Sir, the Senator from Missouri stops at the molehill of this proviso, whilst he surmounts the mountain which rises to our view, upon a survey of the enormous powers which that Senator would intrust, without any regulation, into the hands of the Secretary of the Treasury.

Mr. W. said he would now proceed to prove that the Senator from Missouri had himself originally proposed something similar to the provisions of the bill which he now denounces as a violation of the constitution; and especially that he had directly proposed, by resolution as well as laws, to authorize the receipt of bank paper in payment of the public dues; and, until very recently, limited himself to the exclusion of notes under twenty dollars, as proposed by the bill of the committee. And, first, Mr. W. read from the journals of the Senate, under date of the 9th April, 1834, as follows:

"The following motion, submitted by Mr. Benton, was considered:

"*Resolved*, That a committee be appointed on the part of the Senate, jointly with such committee as may be appointed on the part of the House of Representatives, to consider and report to the Senate and to the House, respectively, what alterations, if any, are necessary to be made * * * * * * 3. In the joint resolution of 1816, (for the better collection of the revenue,) so as to exclude all bank notes under twenty dollars from revenue payments after a given period, and to make the revenue system of the United States instrumental in the gradual suppression of the small-note circulation, and the introduction of gold and silver for the common currency of the country."

Here it will be perceived that the Senator from Missouri then considered the joint resolution of 1816 as requiring alterations by Congress, so as "to exclude all bank notes under twenty dollars from revenue payments after a given period." Here, then, was a direct proposition, by that Senator, to do precisely what is done by the bill of the committee, as regards the exclusion from revenue payments of notes only "under twenty dollars." Why, then, does the Senator now denounce what was then his own project as a repeal of the constitution?

His project then was, not as it now is, to exclude all but gold and silver from revenue payments, and cut loose the Federal Government from the paper system, but the very reverse, namely: to authorize bank notes not under twenty dollars to be received in revenue payments. And how received? Why, by regulations then proposed by him, to be made by Congress—by alterations of the joint resolution of 1816. The honorable Senator then also proposed to make "the revenue system of the United States instrumental in the gradual suppression of the small-note circulation, and the introduction of gold and silver for the common currency of the country." The terms "common currency," as distinguished from exclusive currency, are italicized in the resolution of the Senator from Missouri, and the suppression confined to "the small-note circulation." This suppression of "the small-note circulation," of notes under twenty dollars, was to be effected by the instrumentality of the revenue system of the United States. Now, is not all this precisely what is proposed in the bill of the committee? And are not that bill and this resolution of the honorable Senator substantially the same? Since this period, a great revolution appears to have taken place in the opinion of the honorable Senator, both as regards questions relating to the currency and to constitutional law. Then, that Senator was satisfied to encourage the circulation of bank notes not under twenty dollars, and

to receive them in revenue payments. Now, nothing will answer his purpose but gold and silver; and, to authorize any thing else to be received in revenue payments is denounced as a repeal of the constitution! If this doctrine be true, then the Senator from Missouri stands upon the Senate journals self-convicted of an attempt to repeal the constitution.

But the Senator from Missouri has imbodied the twenty dollar principle, as connected with the federal revenue, in an act of Congress, not a resolution.

Mr. W. here read from the journals of the Senate, under date of the 6th of April, 1836, as follows:

"The Senate resumed the consideration of a bill entitled 'An act making appropriations for the payment of the revolutionary and other pensioners,' &c. The following amendment, proposed by Mr. Benton, being under consideration:

SEC. —. *And be it further enacted*, That no bank note of less denomination than twenty dollars shall hereafter be offered in payment, in any case whatsoever, in which money is to be paid by the United States or the Post Office Department; nor shall any bank note of any denomination be so offered, unless the same shall be payable and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him."

This section was, on the motion of the Senator from Missouri, imbodied in the act of Congress referred to, and is now the law of the land, having passed both Houses of Congress, and received the sanction of the President. This provision, it is true, is confined to payments by the United States. But if the United States, under this law, are to pay out bank notes not under twenty dollars, how can this be done if they are not authorized to receive such notes? What could be more contradictory than a bill, the first section of which should authorize notes not under twenty dollars to be paid by the United States, and the second section of which should prohibit the United States from receiving in payment any thing but gold and silver? How could the United States, by law, in all time to come, pay out that which by law they were debarred from receiving? The Senator from Missouri, then, has, by law, connected the Federal Government with the paper system. This section, adopted on the motion of the Senator from Missouri, would come in very properly as an additional clause in the bill now before us; but as an additional proviso to the bill, which shall be quoted hereafter, proposed by that Senator, to re-establish a currency of gold and silver for the Federal Government, it would be ridiculous and contradictory.

Mr. W. stated that the Senator from Missouri had still further committed himself on this subject. He had not only directly countenanced the payment of the federal revenue in bank notes, but had himself proposed, at the last session, the creation by Congress, in this District, of new banks, authorized to issue notes not less than twenty dollars. Mr. W. here read from the journals of the Senate, under date of the 4th June, 1836, as follows:

"The Senate resumed the consideration of the bill to extend the charters of certain banks in the District of Columbia.

"On motion of Mr. Benton to recommit the bill, with instructions to report separate bills for the incorporation of new banks, with small capitals, adapted to the capacity of the District to sustain specie banks, and strictly limited to the business of the place; the said incorporations to contain, among other provisions, the following principles: 4. The banks to issue no notes of less denomination than twenty dollars; and all notes of less denomination than twenty dollars, by other banks, to be prohibited from circulation within the District. 5. All the notes and paper currency issued by said banks to be paid in gold and silver; one half of either at the option of the demander, the other half at the option of the bank."

Now, Mr. W. would ask, if Congress could by law establish even in this District a certain number of banks authorized to issue notes of a certain denomination, could it not exercise the smaller power of authorizing the reception of bank notes in revenue payments? But (Mr. W. said) he quoted this to show that even at this late period the Senator from Missouri was not prepared to do execution on all banks and all bank paper. There were some curious matters connected with these propositions of the Senator from Missouri. His fifth proposition required "all notes and paper currency issued by said banks to be paid in gold and silver; one half of either at the option of the demander, the other half at the option of the bank;" and this same provision the honorable Senator also proposed to apply to "the deposite banks," "in consideration of being made or continued depositories of the public moneys." Sir, the honorable Senator from Missouri would have the banks pay in a currency better than that required by the constitution. By that instrument, gold or silver is a legal tender in payment of debts, and a bank note is only an evidence of a debt due by the bank to the holder of the note; but the honorable Senator would require the banks to pay their notes in gold and silver, one half of each metal. When a note of a thousand dollars shall be presented to a bank for redemption in specie, it is hoped the honorable Senator will not require those of less personal prowess than himself to carry away five hundred dollars in silver, when the bank otherwise might pay the whole amount in gold. Such equal division of the precious metals, however beautiful in theory, would be most inconvenient in practice; and if the honorable Senator is so equally attached to gold and silver as to be resolved on having a precisely equal circulation of each, there is one way which, if it were not presumptuous, Mr. W. could recommend to his serious consideration. It was this. That Senator took great delight in exhibiting a new and favorite coin of his, which he called billon. Mr. W. hoped he pronounced the word correctly; he was sure the Senator from Missouri did. This coin was composed partly of copper, and partly of silver, though not precisely one half of each; the Senator having suffered great injustice to be done to the silver, by permitting a great preponderance of copper, a very inferior metal, not recognised by the constitution as a tender. Now, Mr. W. would suggest, that if the Senator from Missouri would have coined a new species of billon, composed of gold and silver, precisely one half of each in value, would it not answer his purpose? Mr. W. would not warrant that it would answer, but would only suggest it to the consideration of the Senator from Missouri, as a substitute for his proposed entire equalisation of the circulation of gold and silver, by compelling the banks to redeem their notes in one half of each metal, especially as these banks might not find it very convenient to comply with these requisitions, and as a greater quantity of one metal than of the other might find its way, from time to time, out of the country, and thus destroy this metallic equilibrium of the honorable Senator.

Thus far the Senator from Missouri seemed to have confined his views to the exclusion of notes under twenty dollars in revenue payments. But, on the 10th of June last, he changed his position, and introduced into the Senate the following bill:

"A bill to re-establish the currency of the constitution for the Federal Government.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assem-*

bled, That bank notes and paper currency of every description shall cease to be received or offered in payment, on account of the United States, or of the Post Office, or in fees in the courts of the United States, as follows: of less denomination than twenty dollars, none after the 3d day of March, 1837; of less denomination than fifty dollars, none after the 3d day of March, 1838; of less denomination than one hundred dollars, none after the 3d day of March, 1839; of less denomination than five hundred dollars, none after the 3d day of March, 1840; of less denomination than one thousand dollars, none after the 3d day of March, 1841; and none of any denomination from and after the 3d day of March, 1842.

"SEC. 2. *And be it further enacted*, That any person holding an appointment under the laws of the United States, and any bank employed to keep public moneys, which person or bank shall neglect, evade, violate, contravene, or in any way elude, or attempt to elude, the provisions of this act, shall be guilty of an offence against the laws; and the person so offending shall be liable to be dismissed from the service, and the bank so offending shall, on satisfactory information, be discontinued as a depository of public moneys."

And here Mr. W. would remark that, by this bill, bank notes were permitted to be received in revenue payments until the 3d of March, 1842. If, then, the argument of the Senator from Missouri be correct, that to authorize, by act of Congress, the receipt of bank notes in revenue payments be a repeal of the constitution, this bill of the honorable Senator should have been entitled a repeal of the constitution until the 3d of March, 1842. The provisions of this bill were somewhat remarkable. All bank notes under twenty dollars were immediately excluded; the twenty-dollar notes, being the next greatest violators of the constitution, were executed in March, 1837; those of fifty dollars in March, 1838; those of one thousand dollars were reprieved till March, 1841; and in March, 1842, execution was done on all "bank notes and paper currency of every description," and "the currency of the constitution" was re-established. Now, how was this prodigious revolution to be effected? Why, by dismissing from office any officer of the Government who should receive or offer in payment any thing but gold and silver, by which all were to be excluded but converts to the metallic currency of the honorable Senator; and by discontinuing, as a depository of the public moneys, any bank which should commit a similar offence. Now, does any Senator believe that any bank would accept the deposites on such terms? That it must pay out the public moneys in nothing but gold and silver, and transfer the precious metals from place to place, thousands of miles, at the will of the Government. Recollect that not only "bank notes," but also "paper currency of every description," is excluded by this bill; and, consequently, bank drafts would be as effectually refused by this bill as bank notes. Indeed, the authority to receive "funds," Eastern or Western, from any bank, constitutes one of the Senator's objections to the bill of the committee. Let us suppose, then, that the Government has two millions in silver at Natchez, which it desires at four different points, each one thousand miles distant. Will it transport these wagon loads of silver from point to point, where the money is wanted by the Government? for, recollect the Government must have the hard money, for it is to pay out as well as receive nothing but this. Is this practicable, or is there a bank in the Union that would accept the deposites on such terms as these? The banks are to be continued by this bill as depositories of the public moneys, as the fiscal agents of the Government, and yet we are to reject the paper of our own agents. The amount of the public revenue of last year was forty-seven millions of dollars. Now, all this we are to intrust to the custody of the banks; we are to trust them to the amount of forty-seven millions of dollars, and yet refuse to receive any portion of their paper; or, in other words, trust them for forty-seven millions of dollars, and refuse them credit even for a twenty-dollar note. We are first asked to employ the banks as fiscal agents, and then set about the work of their destruction. Sir, the passage of this bill would insure the abandonment of the deposite bank system; and, as fiscal agents we must have, it would insure the re-establishment of a Bank of the United States, with all its oppressive powers. And here let me ask, can any thing be more inconsistent, as well as impracticable, than to employ the State banks as fiscal agents, as depositories of the public moneys, and yet reject their paper? If it be unconstitutional to receive one dollar of the public dues in the paper of any bank, is it not equally unconstitutional to make these unconstitutional banks, issuing this unconstitutional currency, our fiscal agents for the whole amount of our revenue, by bank credits? Under our deposite bill, when we confide money to a deposite bank, have we not previously taken its bond to repay? And if we take its bond, why not its paper? Sir, to carry out the gentleman's doctrine, he should discard the deposite banks as fiscal agents, and employ hundreds of separate individual agents, constantly traversing the country in all directions, with mules or wagons loaded with gold and silver. Such a system, and to this it would come, would require an army of agents greater than our whole standing army, to receive, transfer, and disburse, the forty-seven millions of gold and silver, the amount of this year's federal revenue. Such a system would enlarge the patronage and power of the General Government to an almost unlimited extent, and, if successful, paralyze the State Governments, by the destruction of State banks, State credit, and State institutions. But the whole system is impracticable; and it is time that the country should know that such is the opinion of the whole Senate, with the single exception of the Senator from Missouri himself. Sir, that Senator may rally three or four votes against the bill of the committee, but it will be from objections to the details of the measure, and not because they adopt the opinions of the Senator from Missouri on this subject. If the constitution is repealed by the reception of bank notes in revenue payments, why did the Senator from Missouri never come to the rescue till the 10th of June, 1836; and why did he then permit the session to pass by without any vote upon the measure; and why has he not reintroduced it at this session? The fact is, and the country should know it, that the Senator from Missouri can get no vote for this bill of his, except his own. Now, at this moment, he may bring it forward, or at any period of the session; we are anxious he should do so; and all we ask is a vote by ayes and noes, to show the American people that the Senator from Missouri stands alone on this subject. Now, the measure of the Senator from Missouri is not only impracticable, but defeats the great object of suppressing the small-note currency, and enlarging the circulation of gold and silver. The Federal Government, aided by its revenue, by the depositories of its money, and by State legislation, might gradually suppress all bank notes under twenty dollars, and gold and silver would then necessarily fill the vacuum, and constitute the common currency of the country in the ordinary transactions between the dealer and consumer. This would disarm the State banks of nearly all power to do evil, arrest excessive issues of bank paper, substitute gold and silver for all that great portion of the circulation of banks which consists of notes under twenty dollars, render and preserve the banks sound and solvent, our currency stable, and put an end to all apprehension of that explosion of the paper system with which many believe we are now threatened. This

was a practical reform of the currency, and one which (Mr. W. said) he was deeply solicitous to see effected; but it can only be effected by the co-operation with Congress of the State Legislatures. The reform, too, must be by gradual and successive steps. Therefore, the bill only proposed the refusal of the five-dollar notes after the 30th December, 1839, and the refusal of the ten-dollar notes after the 30th December, 1841, periods when Congress will be in session; and if the States will not then co-operate with us in this reform, we must, as the representatives of their wishes, repeal or modify the measure.

But will the measure of the Senator from Missouri effect any useful purpose? It holds out to the State banks no inducements to suppress their small-note currency. It is a declaration of war by this Government against the people of the States and the banks of the States. It demands that, out of a gold and silver currency in circulation, of twenty-eight millions, (as estimated by the Secretary of the Treasury,) we should pay in this currency a revenue of forty-seven millions, according to the receipts of this year. It demands, then, an impossibility, unless an explosion of the State banks is created by draining them of their specie. It demands that this gold and silver be, at all the various points of collection or payment, at all times, in sufficient quantities to make these revenue payments and disbursements also. It would withdraw gold and silver from general circulation, and confine its use almost wholly to revenue payments and disbursements. It is, finally, an effort, on the part of this Government, to render all the notes of all the State banks uncurrent within the limits of the States, and is equivalent to a demand made by Congress upon the State banks to surrender their charters, or upon the State Legislatures to repeal them; and Mr. W. said he had never been authorized by the State of Mississippi to demand, in their name, a repeal or overthrow of any of their State institutions. To the extent that he was now willing to go, Mr. W. said he had distinctly expressed himself in an address preceding his election: in favor of the abandonment of the small-note currency, in favor of receiving the notes "for larger amounts" "of the solvent State banks," for "all dues to the National Government;" in favor of the enlargement of the circulation of gold and silver, and against "an exclusively metallic currency." Mr. W. said, having been elected with the open avowal of these doctrines, he hoped he stood not only upon the basis of his own previously expressed views, but also upon those of his constituents, in supporting the present bill, and opposing that of the Senator from Missouri.

It remains now to be shown (said Mr. W.) that this bill is in perfect accordance with the policy and recommendation of the President, and is similar to other measures which have received his sanction. In the message of December, 1834, the President declared as follows:

"The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly, and with the same cheapness.

"The attention of Congress is earnestly invited to the regulation of the deposites in the State banks by law. Although the power now exercised by the executive department in this behalf is only such as was uniformly exerted through every administration, from the origin of the Government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law, and therefore ought so to be regulated. Those institutions have already shown themselves competent to purchase and furnish domestic exchange for the convenience of trade, at reasonable rates; and no doubt is entertained that in a short period all the wants of the country in bank accommodations and exchange will be supplied as promptly and as cheaply as they have heretofore been by the Bank of the United States. If the several States shall be induced gradually to reform their banking systems, and prohibit the issue of all small notes, we shall in a few years have a currency as sound, and as little liable to fluctuations, as any other commercial country."

Here are several facts and principles distinctly stated by the President. First, that the State banks could perform all the services required of the Bank of the United States. Second, that the deposites in the State banks should be regulated by law, and as little discretion as regards the banks left with the Executive as possible. Thirdly, the recommendation to the States of a gradual suppression of the issue of small notes, and the expression of the opinion that, with this reform, the State banks could furnish a sound currency. Now, all this is in exact concurrency with the bill of the committee, and directly contradictory of the views of the Senator from Missouri. So far from desiring the destruction of the State banks, the President considered their services indispensable, as depositories of the public moneys and fiscal agents. So far from opposing regulations by Congress on this subject, and restrictions of executive power, the President distinctly recommended it. So far from desiring the establishment of an exclusive gold and silver currency, and the exclusion of the notes of all State banks from revenue payments, the President desired only the suppression of small notes, and expressed the opinion that, with this reform, the State banks could furnish a sound currency, and of course safely and properly receivable in revenue payments.

Again, in the message of December, 1835, the President declared as follows:

"It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills, and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposites in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country."

Here it is perfectly clear that the exclusion of the notes of the State banks from revenue payments, and the establishment of an exclusive metallic currency, were not contemplated by the President. On the con-

trary, his views were limited to the gradual suppression and disuse "of all bank bills below twenty dollars," as the only true practical reform "ultimately" to be accomplished. And how did the President propose accomplishing this reform? Why, by such regulations, by Congress, in the management of the revenue and custody of the deposites, as would prove auxiliary to State legislation in effecting this object. Now, is not the bill of the committee precisely in accordance with these views of the President? Does not this bill propose such regulations being made in the management of the revenue as will, if aided by State legislation, suppress the circulation of all notes below twenty dollars? And the bill of the Senator from Missouri is in direct opposition to this message; for, by the use only of gold and silver in revenue payments, he abandons all hope of so managing the revenue as to make it available in suppressing the small-note currency. The object of the President is the disuse of notes under twenty dollars, that of the Senator from Missouri the disuse of every thing but gold and silver.

Nor does the Treasury order in any manner contravene those principles, imbodied in former mes-ages. That this order was perfectly legal and constitutional, that it was in accordance with the discretionary powers vested in the Secretary of the Treasury by the joint resolution of 1816, Mr. W. said he never doubted; that the motives of the President in issuing this order were pure and patriotic was beyond dispute. The measure was evidently temporary, designed to repress inordinate speculations in the public lands; and it is expressly declared in the President's message to be of little importance, "if the lands were sold for immediate settlement and cultivation." That it never was designed to establish the principle of excluding bank notes from revenue payments is evident from the fact that payments of customs are received, as formerly, in bank paper. There yet remains one other evidence on this subject, which is conclusive. The fifth section of the act of Congress of June last, regulating the deposites of the public moneys, is in these words:

"That no bank shall be selected or continued as a place of deposite of the public money, which shall not redeem its notes and bills, on demand, in specie; nor shall any bank be selected or continued, as aforesaid, which shall, after the 4th of July, 1836, issue or pay out any note or bill of a less denomination than five dollars; nor shall the notes or bills of any bank be received in payment of any debt due to the United States which shall, after the said fourth day of July, 1836, issue any note or bill of a less denomination than five dollars."

Now, this act passed both Houses with unprecedented unanimity. In the Senate it was passed with but six dissenting votes, namely: Benton, Black, Cuthbert, Grundy, Walker, and Wright; not one of whom opposed it on account of the fifth section, but, as clearly stated at the time, because of the distribution principle contained in the thirteenth section. So far as the fifth section is concerned, the vote of Congress may well be considered as unanimous in its favor. The President, also, in his last message, in stating the reluctance with which he signed this bill, gives as the reason the distribution principle of the thirteenth section; but he thus distinctly eulogizes the provisions of this 5th section, as follows: "In the acts of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session, forbidding their reception in payment on public account, the true policy of the country has been advanced, and a larger proportion of the precious metals infused into our circulation." Now, the only act of the last session forbidding the reception of small notes on public account is this fifth section of this act, thus eulogized by the President and approved by him on the 23d of June last. Yet this very section is a repeal of the constitution, if the bill of the committee be thus truly designated by the Senator from Missouri; for both are laws, not resolutions, and both forbid the reception of small notes only.

Let us compare their provisions in this respect:

The bill of the committee declares: "From and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars shall be received on account of the public dues;" extending the prohibition, in December, 1841, to the notes of all banks issuing bills or notes under twenty dollars.

The fifth section of the deposite act declares: "Nor shall the notes or bills of any bank be received in payment of any debt due to the United States, which shall, after the said fourth day of July, 1836, issue any note or bill of a less denomination than five dollars."

Where is the distinction, in principle, as regards the reception of bank paper on public account, between the two provisions? And the Senator from Missouri, in thus denouncing the bill of the committee as a repeal of the constitution, denounces directly the President of the United States. Congress, no more than a State Legislature, can make any thing but gold or silver a tender in payment of debts by one citizen to another; but that Congress, or a State Legislature, or an individual, may waive their constitutional rights, and receive bank paper or drafts, in payment of any debt, is a principle of universal adoption in theory and practice, and never doubted by any one until at the present session by the Senator from Missouri. The distinction of the Senator in this respect was as incomprehensible to him (Mr. W.) as he believed it was to every Senator, and, indeed, was discernible only by the magnifying powers of a solar microscope. It was a point-no-point, which, like the logarithmic spiral, or asymptote of the hyperbolic curve, might be forever approached without reaching; an infinitesmal, the ghost of an idea, not only without length, breadth, thickness, shape, weight, or dimensions, but without position—a mere imaginary nothing, which flitted before the bewildered vision of the honorable Senator, when traversing, in his fitful somnambulism, that tesselated pavement of gold, silver, and billon, which that Senator delighted to occupy. Sir, the Senator from Missouri might have heaped mountain high his piles of metal; he might have swept, in his Quixotic flight, over the banks of the States, putting to the sword their officers, stockholders, directory, and legislative bodies, by which they were chartered; he might, in his reveries, have demolished their charters, and consumed their paper by the fire of his eloquence; he might have transacted, in fancy, with a metallic currency of twenty-eight millions in circulation, an actual annual businees of fifteen hundred millions, and Mr. W. would not have disturbed his beatific visions, nor would any other Senator—for they were visions only, that could never be realized—but when, descending from his ethereal flights, he seized upon the Committee on Public Lands as criminals, arraigned them as violators of the constitution, and prayed Heaven for deliverance from them, Mr. W. could be silent no longer. Yes, even then he would have passed lightly over the ashes of the theories of the honorable Senator, for, if he desired to make assaults upon any, it would be upon the living, and not the dead; but that Senator, in the opening of his (Mr. W's) address, had rejected the olive branch which, upon the urgent solicitation of mutual friends, against his own judgment, he had extended to the honorable Senator. The Senator from Missouri had thus, in substance, declared his "voice was still for war." Be it so; but he hoped the Senate would all recollect that he (Mr. W.) was not the aggressor; and that, whilst he trusted he never would wantonly assail the feelings or reputation of any Senator,

he thanked God that he was not so abject or degraded as to submit, with impunity, to unprovoked attacks or unfounded accusations from any quarter. Could he thus submit, he would be unfit to represent the noble, generous, and gallant people, whose rights and interests it was his pride and glory to endeavor to protect, whose honor and character were dearer to him than life itself, and should never be tarnished by any act of his, as one of their humble representatives upon this floor.

When Mr. WALKER had concluded,

Mr. WEBSTER made some inquiries of him in reference to his understanding of the practical effect of the bill on banks issuing notes under the amount of five dollars.

Mr. WALKER replied that the bill had followed the language of the joint resolution of 1816; and, as there were different opinions as to the construction of that resolution, there might be as to this bill; but whether it were strictly mandatory on the receivers or not, he felt assured that it spoke a voice that would not be disregarded.

Mr. RIVES said that the provisions in this bill in reference to banks issuing small notes were the same with those in the deposite bill of last session, which he quoted.

Mr. WEBSTER said his only difficulty was respecting the receivability of the Virginia land scrip; if the bill was not peremptory on that subject, it ought to be made so. And for this purpose he introduced an amendment, declaring the Virginia land scrip receivable in payment of all dues to the Government; which was laid on the table.

Mr. BENTON, to show how the deposite bill was understood by those who executed it, quoted some bank returns from the Bank of Columbus, showing the issue by that bank of notes of one, two, and three dollars.

Mr. RIVES returned his thanks to Mr. WALKER for his able and satisfactory defence of the bill. He should not be able to add much to what had been said by the honorable Senator, but was desirous of adding his mite in reply to so much of what had so zealously been urged by the Senator from Missouri, [Mr. BENTON,] as had not been touched upon by the chairman of the Land Committee; and, as he understood there were gentlemen on both sides of the question who were desirous of being heard, he suggested the propriety of deferring further debate on the bill to Monday. This was, after some conversation, agreed to.

THANKS TO THE VICE PRESIDENT.

Mr. BENTON introduced the following resolution:

Resolved, That the Senate cordially reciprocate the sentiments of personal kindness expressed by MARTIN VAN BUREN, Vice President of the United States, towards the members of this body, upon taking leave of them; and that the thanks of the Senate be presented to him, in testimony of the impartiality, dignity, and ability, with which he has presided over their deliberations, and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned him as President of the Senate.

Mr. B. suggested the propriety of taking up the resolution and acting upon it at this time.

The CHAIR stating that this could only be done by unanimous consent,

Mr. CALHOUN objected.

Mr. BUCHANAN expressed his hope that the resolution would be acted on at once.

Mr. CALHOUN inquired whether it was usual to pass a vote of this kind.

Mr. BENTON quoted several precedents to show that it was; whereupon

Mr. CALHOUN, observing that it was a mere formality, withdrew his objection; and the question being put, the resolution was agreed to, *nem. con.*

When, on motion of Mr. DAVIS,

The Senate adjourned.

MONDAY, JANUARY 30.

AMERICAN COLONIZATION SOCIETY.

Mr. CLAY moved to take up the memorial from the Colonization Society, presented by him on Friday last, expressing the hope that there would be no further debate upon it, and calling for the yeas and nays on the question of taking up; which were ordered.

The question was then tried, and decided in the negative, as follows:

YEAS—Messrs. Bayard, Clay, Clayton, Davis, Kent, Knight, Morris, Niles, Prentiss, Robbins, Robinson, Southard, Swift, Tallmadge, Tomlinson, Wall—16.

NAYS—Messrs. Black, Brown, Buchanan, Calhoun, Cuthbert, Dana, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Nicholas, Norvell, Page, Preston, Rives, Ruggles, Strange, Tipton, Walker, White, Wright—25.

TREASURY CIRCULAR.

The bill to designate and limit the funds which shall be receivable for the public revenue was taken up as the special order, and

Mr. RIVES addressed the House at length in its support, and in reply to Mr. BENTON.

Mr. MORRIS said: I shall vote against the passage of this bill for many and various reasons; but the belief that it violates the principles of the constitution, and is in derogation of the rights of the States, are paramount to all others. That its principles are drawn from a dangerous and mistaken policy, I have no doubt; and that its passage will be productive of mischief, not benefit, is, to my mind, equally clear. After the long discussion which has taken place on all these topics, by the oldest and ablest members of this body, it may seem like arrogance in me to attempt to intrude my opinion on the Senate at this late hour of the debate. I have been a patient and, I trust, not inattentive listener to this whole discussion; and there are some points on which neither side have fully satisfied my mind; and I shall occupy the time of the Senate, for a few moments, not in an argument to prove, or an attempt to prove, the truth or fallacy of any position which has been assumed, but in an opinion only on the doctrines and principles of the bill. That certainty and uniformity are essentially necessary to the existence of any Government, will, I presume, not be denied; and that they are vitally so in the administration of this Government, which is one of laws and limited powers, is, to my mind, beyond controversy; and in no part of our system is the necessity of that certainty and uniformity so apparent and needful as in the circulating medium or currency of the country. This word "currency," if we were to judge of its meaning and import from what we have heard in debate on this bill, is a word of undefined and undefinable meaning.

We have been told of a gold currency, or rather a metallic currency, a paper currency, the currency of one State and the currency of another, and even of a currency in kind in the collection of revenue. In this war of words and phrases I shall not engage; as a member of this body, acting for the whole people of the United States, under the constitution of the United States, I shall take that instrument alone as my guide, and recognise no currency as legitimate but that which it establishes; and I am not in this case left to implication or construction, but feel that I am standing on safe and sure ground. So important was a standard for the value of property and labor thought to be by the fra-

mers of the constitution, that they provided in express terms for such standard, by declaring that Congress should have power to coin money, and regulate the value thereof and of foreign coin; and, in the very next sentence, they provided for the exercise of power by Congress to punish for counterfeiting the current coin of the United States. Money, as the word is used in the constitution of the United States, must be understood as a definite and technical expression; it means gold and silver only, as formed and fashioned into shape and size by the order of that part of our system of Government possessing the full attributes of sovereignty, and having bestowed upon it arbitrary or positive value. Congress is authorized to borrow money on the credit of the United States. Without this special grant, Congress could not exercise the borrowing power at all. Can Congress, then, borrow any thing but money? I presume not. Under this grant to borrow money, Congress cannot borrow goods and chattels, cannot borrow horses, cattle, or any other merchandise; nor can Congress, as I contend and believe, under this grant to borrow, obtain bank notes of any description; for if Congress cannot borrow goods and chattels, which contain within themselves an intrinsic value, and money being made the standard of that value, surely they cannot borrow bank notes, which in themselves contain no intrinsic value, but are mere credit, and the representative of money, in place of money being the standard of their value. If Congress, then, have not the power given them by the constitution to borrow bank notes, I contend they cannot exercise it; for the expressive grant to borrow money excludes the exercise of all power to borrow any thing but money; and if Congress cannot borrow bank notes, I contend that their reception in any other manner, as a part or whole of the revenue necessary for the support of this Government, is equally forbidden. I believe that to allow bank notes to be received in the collection of the customs, or in payment for the public lands, is in fact, to all practical purposes, to require your officers so to receive them; and that each is equally prohibited by the constitution.

No one, I presume, will contend that Congress can borrow money for any other purpose than that for which they can collect money from imports; when in the Treasury of the nation, it is all a part or parcel of the revenue of the country. It follows, then, most clearly and conclusively to my mind, that what Congress cannot borrow they cannot collect as taxes, duties, imports, or excises, because, under these heads, is the whole power of Congress to raise means for the support of this Government circumscribed; the receiving money for the public lands, or any other property belonging to the United States, I consider as falling under that class of collections embraced in the word "duties." I therefore consider this bill, which allows bank notes of any description, or under any circumstances, to be received in payment of any debt or demand on this Government, to be entirely incompatible with the constitution itself.

There is another view of this bill which, to my mind, makes it equally objectionable on constitutional grounds: it is its dangerous interference with the power and rights of the States. State banks, like all other State institutions, belong exclusively to the States, and cannot rightfully be made subject to any other than State legislation; Congress, therefore, cannot exercise its moneyed power, a power which is derived from the people of the States, to induce any portion of that people, or a corporation created by themselves, to exercise their powers differently from that which the laws of the State permit or require, and thus supersede State laws by the acts of Congress in measures which are purely local State concerns. What does this bill provide? That the paper of certain State banks shall be, or, if you please, permitted to be, taken in the payment of the revenue of this Government, on condition that such banks will adopt certain regulations which Congress shall prescribe. It is true that we do not attempt any coercive power over the banks, but we make use of moneyed power, a power often far more dangerous and destructive to the rights of the country than force itself. That money is power, is an established maxim. We, then, offer the State banks the keeping of our money, and of course its use for the time being, provided they will conform to certain regulations which we prescribe. Is not this a palpable interference with State sovereignty, and of course a violation of the constitution of the United States? It seems to me there can be but one answer to this question. It is no removal of the objection, at least to my mind, to say that the banks will make the regulations required by this bill by contract; this view of the subject rather increases the objections. Corporations derive all their power of action from their charters alone. If I may use a figurative expression, they can only live and move therein; they cannot contract away any of their powers, nor can they acquire new power by contract—I mean the power of action as corporations; yet, if Congress can contract with State banks, who, by the grants in their charters, have power to issue one, two, or three dollar notes, to forego that power, and issue no notes of a less denomination than five dollars, I cannot see why Congress cannot extend the contract to the issuing of notes of any amount whatever, or even to the buying up the charter itself, and thus defeat the very end and object of the institution; and this right of Congress can be extended so as to put an end to all power of State legislation over an institution created by the State for wise and valuable purposes. But, sir, I object to this whole policy of bargaining with State institutions, or with citizens of a State, for any part or portion of the State sovereignty. If you can do it in one instance, you can do it in all instances; and the State Governments will be less than the corporations which they have created, when you take those corporations into your keeping for any purpose whatever. Sir, I regret, I deplore, the constant tendency which I witness here to extend the action of this Government into the orbit of State power; you prescribe oaths and forms for the settlement of disputed claims, and the rights of property, between citizens of the same State; you authorize your courts to take cognizance of and punish offences which are properly cognizable in State courts, and punishable by State laws; and you invite the citizens of the States to come to you in their primary assemblies against their own Government; thus unceasingly, as time is bringing all things to an end, are you putting an end to the sovereignty of the States. How soon we shall find a grand central Government in the ten miles square is not for me to conjecture; but against this whole process I do, as a Senator in the Congress of the United States, enter my most solemn protest.

Mr. President, I trust I shall not be considered as departing from the plan which I had marked out for myself on this occasion, by a brief notice of some of the arguments I have heard on this question. It will be remembered that they commenced with the introduction of the resolution offered by my colleague to rescind the Treasury order of July last, requiring money payment for public land. The argument in the early stages of the debate was directed against the power of the President to issue that order; as I have no doubt that the power was constitutionally exercised, and as that part of the argument seems to have been abandoned, I shall not now notice it. There is one feature, however, of that argument deserving a passing remark. It has been said by gentlemen that they could not support the resolution of my colleague, as they consider, in doing so, they cast

censure on the President; but the bill now before the Senate is to accomplish the same object--a repeal of the order--though by different words; yet it seems to have their undivided support. For my single self, I am unable to reconcile this apparent incongruity; but if the implication of censure can in any case be a reason for our course here, it ought to operate most strongly when it is calculated to censure the constitution of the country and the policy of the States. The President, I am sure, cannot thank his friends for their reasons; if any part or parcel of his official conduct cannot be supported on principle, he will never ask that it shall be excused in pity; he well knows that we take our seats under the solemn injunction of an oath to support the constitution, but not the administration; that is matter of choice, not of obligation; and he has too high a regard for the constitution to tolerate for a moment a friend who would sacrifice it for his personal or official favor. But, sir, I return from this digression. It was so thrown in my way that I could not well get round it, but was compelled to take up and remove it. The arguments on the bill before us are what I have now to do with. I shall consider them as they occur to my recollection, not having taken notes at the time, as I did not then intend or expect to speak on this question. In support of the doctrine of the bill, it has been contended that Congress have the power to take, in payments for any dues of the Government, articles in kind such as to them may seem proper. To this doctrine I can never assent, except gentlemen can prove that Congress have the power to make money of wool, or leather, or any other chattel. I mean, to consider and receive these articles as money; for I hold that, by the constitution, Congress can collect the revenue of the Government in nothing but money. If they, then, can, by the magic of their power, transmute a yard of broadcloth into money for the time being, and receive it for the duty payable upon the whole piece, the argument is good, but not otherwise. I think this an important branch of the subject, and ought to be well considered; and although I may not be able to add a new idea, or advance a single additional thought, yet I consider it a duty not to conceal my opinion. I hold that the Government of the United States has not the power to possess itself of any property whatever by contract, or purchase from individuals or corporate bodies, but such only as is necessary and proper to carry on the functions of the Government. Congress cannot barter with individuals even for that: they may sell their own property, constitutionally acquired, and with the proceeds, money of course, purchase what they may need.

Congress cannot receive the real estate of the Government debtor, or of a defaulter, in the payments of such debts or default; because Congress cannot, without the consent of the States, purchase any land within their respective jurisdictions. The reason is obvious; for the exercise of exclusive authority over the rights of individual property within its jurisdiction is essential, I may say vitally so, to State sovereignty. The primary disposal of the public domain acquired by treaty with other nations, or by cessions made by States, which is, in fact, the same thing, is clearly within the power of Congress; but having once disposed of the soil, this Government can never resume those rights without the consent of the States in which the land is situate. If, then, Congress cannot receive in payment of taxes, imposts, or excises, the real estate of the person who owes such duties, and thus enter the arena with the land speculator, much less can we receive, for the dues of the Government, hats, shoes, clothes, wines, sugars, or any other duitable article, for the amount of duty due by the importer; if it were otherwise, the Government has the power to enter into competition with any of her citizens in the general trade of the country—a power in fact to become a dealer in slaves, so long as slaves can be considered property. I understand this power as contended for: I mean the general power to purchase or receive property for its dues, or even apply the revenue of Government for that purpose. Viewing it in that light, it is a power at which I revolt, and one to which I am sure the people of this country would not, for a moment, submit. It was this glaring absurdity (at least to my mind) that induced me vote at the last session against the bill for the purchase of stocks with the surplus revenue of the country; and I confess I heard the other day, when the bill for advancing to claimants under the French and Neapolitan treaties their dues was under consideration, not only with surprise, but with astonishment, the principle advanced, that, as we had a surplus of money on hand, it was improper we should suffer it to lie idle in the Treasury; that if we could make three or four per cent. by making advances to these claimants, it was wise and proper to do so; that we had the power, and it was prudent so to invest this money that it would be productive; that when we came to appropriate by law, we should find its quantity increased. I do not pretend to give the exact words, as used in the argument, but I feel sure that I remember them substantially. I endeavored at the moment to realize in my own mind the practical operation of the rule. I well remember of mentally asking myself if this doctrine be true; if we can take the whole of the surplus money in the Treasury, send our agent into the New York market, and purchase the entire stock of broadcloth or tea on hand. This would no doubt be a safe and sure investment, and one by which this Government could not only make four per cent. per annum, but probably from twenty to fifty per cent. in a few months. I did not hesitate a moment in deciding that we had not the power; and if we had, however advantageous to the Government it might be, it would be most grossly unjust. I am still unable to see any difference in principle between power to receive or purchase cloth, and the power to receive bank notes. Bank notes, being but mere evidences of debt, are, or ought to be, less the object of our care than things of more substantial value. There is another objection to the receiving of bank notes, as contemplated by this bill: it is the odious doctrine of preference which it contains; and that preference is not matter of law, but matter of discretion, given by law to the officers and agents of Government. If this bill is not obnoxious to the words of the fifth paragraph of the ninth section, first article, of the constitution, it falls clearly within the reason of that paragraph. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another. Suppose we should read, no preference shall be given by any regulation of revenue to the banks of one State over those of another. Would not such reading appear to be founded on equally reasonable and just principles? I should think so. Does not this bill claim the power, if in fact it does not expressly authorize its exercise, to make this preference? If you can make a discrimination in bank notes at all, if indeed you can designate what are specie-paying banks, as the phrase is, you can make any other designation or discrimination you please; and thus, in the regulation of the revenue, give a preference to one bank over another, or to the banks of one State over those of another. A proposition so plain, and a practice so unjust and absurd, must strike every mind, at the first view, as highly improper, if not unconstitutional.

But the principle that the Government shall undertake to discriminate between the bank notes of different banks has been, and still is, productive of much injury to the paper circulation of the country, as created by the States. It has been often said, and I admit its truth,

that the currency of our country, as it now exists, is a delicate subject to touch, and that one jar vibrates through the whole machinery. If the Secretary of the Treasury, or even a collector, acting for the Government, should refuse, after the passage of this bill, to receive the notes of any bank, that bank, however solvent, thus coming in contact with the power of this Government, would receive a shock from which it would not easily recover; and the blow thus inflicted would be felt throughout the system; hence the contractions by banks, and the difficulties in the country, which, it is said, the late Treasury order created. I would, then, make no discrimination, no regulation, as to the currency of the country created by the State banks; because, in the first place, I believe Congress has not the power to do so; and, in the next, if the power was admitted, it would be unwise and unjust to exercise it. Can any one doubt for a moment, when he calls to his mind past experience of the action of this Government upon the paper system of the country as it now exists, that if we wish uniformity, stability, and equality in value, in that system, we must leave its entire regulation to the power that created it, for that is the only power that can effectually regulate it.

But, sir, we have other reasons urged upon us in support of the passage of this bill, which, to my mind, are most extraordinary, but still leaves the bill liable to all the constitutional objections to which I first supposed it. It is said that we must form a connexion with the State banks; that they are absolutely necessary as fiscal agents of the Government; and that it follows from necessity that, in that connexion, in some degree, we must exercise the power of regulation. The premises here laid down I conceive to be founded in error. This Government has, within itself, sufficient power to carry on its own operations by its own means; if it is necessary to lean on the State banks for support, we must admit that the removal of that support, which is entirely within the power of the States, would at once check, if not prostrate, the action of this Government. It has been said, with much emphasis, that we who are for cutting loose this Government from the State bank sare in favor of re-establishing a Bank of the United States. This rattletrap, used for party purposes, has lost its effect, at least upon me. Opposed to the whole banking process, and unwilling to recognise the existence of banks, or bank notes, by any action of this Government, as either useful or necessary institutions, is a strong objection I entertain against the present bill; but I contend that, if banks are absolutely necessary as fiscal agents of the Government, (which I by no means admit,) if we can adopt a State bank for that purpose, we can create a bank by an act of Congress for the same purpose; for the power to adopt and use most certainly acknowledges the power to create; and I would at once give my vote to create such fiscal agent for the use of this Government, rather than adopt a whole litter of State banks for that purpose.

It has been said in the course of this debate that Congress have the power to receive any article they may think proper in discharge of the dues of this Government. This doctrine places Congress above responsibility—a doctrine I cannot admit; and to me it appears perfectly clear that Congress have no power to receive any thing but money. If Congress could authorize the reception of articles of what kind they pleased, they surely would have power to provide for the payment of demands against the Government in the same manner. We should, indeed, present to the eyes of our constituents a strange spectacle, if, under the operation of this bill, we should provide for the payment of salaries due the different officers in bank notes, to one officer the notes of one bank, to another the notes of a different bank, and so on, parcelling out our power to men and banks to an almost infinite extent. No man will, I presume, deny but we can do this, if we have the power to authorize the reception of bank notes in the collection of the revenue. The whole scheme, sir, is wrong. Nothing can be paid but in consequence of appropriations made by law, and nothing can be appropriated but money, and bank notes are not money.

It is further said that this is an executive measure; that it is in accordance with the views of the President to aid the States in restoring a metallic currency, by the suppression of small notes. However much I may respect the opinion and views of the President, and I have been the constant and uniform supporter of the great measures of his administration, yet I cannot admit that these talismanic words, "the President says so," shall govern all my actions and votes here; and I shall take the liberty on this, as on all other occasions, so to act as my best judgment informs me will be most conducive to the interest of the country. Andrew Jackson, sir, the friend of banks! Andrew Jackson the friend and advocate of the paper system—a friend of paper currency! I cannot, I will not, believe it; such an idea is at war with the entire course of his administration, and inconsistent with all his opinions on this subject, as I have read and understood them. Sir, I hold the present bill to be not only repugnant to the opinions of the President, but the whole code of Virginia doctrines on the subject of State rights; and I have been both surprised and pained that this bill should come from a Senator of that State. I may be asked, what course do you propose? My answer is, that I would repeal the resolution of 1816, permitting bank notes to be received in payment of the revenue, because I view that as I did the provision of the bank charter passed by Congress the same year, permitting or allowing the notes of that institution to be received, as both unconstitutional. But both these violations of the constitution were justified, as the bill now is, on the ground that the peculiar situation of the country and the necessity of the times required the act to be done. Indeed, I have heard some gentlemen admit that the necessity of the case in 1816 had changed their previous opinions on the question, that Congress had not power to charter a bank, and they now deem them erroneous: thus suffering necessity to change the fundamental law of the country; a most dangerous error, as necessity is always the plea of tyrants. I here drop my hasty remarks on the constitutionality of the measure proposed by the bill before us; and the reasons which in my mind apply to its constitutionality are equally strong against the policy of the measure. A discrimination made by the order and under the authority of this Government, as to what bank paper shall be received, and what rejected, must necessarily produce an unsettled state of the currency that is created by the States. The power of the States to create this currency I do not mean to question, by its admission or denial. I have heard various statements, as to the amount of bank notes in circulation, made by different gentlemen on this floor. I have heard it rated at from three hundred to near a thousand millions of dollars. I do not pretend to any accurate knowledge on the subject; take a medium amount, say five hundred millions. It seems to me the argument is fallacious, that assumes the idea that this vast mass of circulation can be materially affected by the collection of the revenue of this Government in money only, say twenty millions, which ought to be the largest sum in time of peace, and which is collected and paid during the same year. If Congress should adopt this course, it seems to me that the different State banks could at once arrange their business to this state of affairs, and it would tend to give stability, permanency, and equality, to their issues. The rates of exchange between different portions of the country would become known and settled, and these continual

fluctuations and jars respecting the moneyed system would entirely cease, and thus all classes of society be benefited; for it seems to be an admitted fact, that nothing is more injurious to the general prosperity of the country than these continual fluctuations. I would, therefore, leave the collection of the revenue precisely where I find it left in the constitution, and in all laws and proceedings of Congress at an early day, wherein provision is made for the collection of revenue or the disbursement thereof. I would use no other word than "money," or "current coin," without giving any description or definition of the words used.

As to the effects produced by the Treasury order of the 11th of July last, or the popularity of that measure in the Western country, I have little to say; and perhaps I ought not to take up the time of the Senate, after what I have said on the other branch of this question; but I cannot entirely agree with my colleague as to either. Property is at a very high price; and if the measure was somewhat unpopular at first, I am inclined to believe that it is now more favorably received. That it has produced some salutary effect upon the banking institutions of the West, I have no doubt. It has checked their over-issues; but that, if continued, it will still be beneficial, I have great doubts. Hoping and believing that some more salutary regulation than that contemplated by this bill can and will be brought forward, I shall vote against its passage; and, in doing so, I hope to be understood as neither censuring, applauding, approving, or disapproving, the course taken by the President in this matter.

Mr. WEBSTER said, when the resolution moved by the Senator from Ohio, [Mr. EWING,] to rescind the Treasury order of July last, was under discussion, I expressed the sentiments which I then entertained, and which I hold now, in regard to that measure. My great object, as I then said, and now say, is to get rid of the order. I was not, and am not now, very solicitous as to the particular mode. When the subject was sent to the Committee on the Public Lands, (though my own impression had been that it should have been referred rather to the Committee on Finance,) I assented, in the hope that they would confine what they should propose to the single object of getting rid of the order. But for that order, I presume that few would have been willing to touch the subject at all. The majority of the Senate were content that matters should have remained as they were under the joint resolution of 1816. But as the order interfered with the provisions of that resolution, it was deemed necessary that something should be done. I regret that this bill is not such a one as was called for by the exigency, and confined to the exigency. It goes beyond what was needed, in important respects, and, though I most cordially wish for the abolition of the Treasury order, there are some things in this bill which do not accord at all with my own view of what the public interest requires. I feel, therefore, somewhat at a loss to know what is the true line of my duty on this occasion. I will state my difficulties. In the first place, I see nothing in the bill that is fixed and stable, defined and determinate; nothing peremptory and decisive, as matter of law. I asked the honorable chairman who reported the bill, whether he understood it to be peremptory in its character, and would be so in its practical effect, or not? And his answer was, that he did not doubt that its operation would be to produce a great reform in the state of the currency. Now, what I want to know is, whether this bill will furnish the country with a legal statute rule as to the payment of debts; or whether the whole matter will not be left very much in the discretion of the Secretary of the Treasury? I think it leaves too much in that discretion. It provides that he may issue orders as he may deem necessary, in order to secure the collection of the revenue in specie and bills of specie-paying banks. Now, supposing the Secretary should not think that any further order of any kind is necessary? Then matters will remain precisely as they are now. Suppose he should believe one kind of order necessary for one part of the country, and another for another part? The bill would allow all this. It secures no uniform or certain rule.

Again: the particular provisions of the bill appear to me (with great deference) to have been not well considered. If its enactments amount to a positive statute, (and not a mere permission or recommendation,) then neither land scrip nor revolutionary scrip can be received for the public lands; or, if they can be received for the public lands, they can equally be received for the customs. This, I presume, was not intended. The bill is imperfect; it imposes no duty on the Secretary, it enacts no law to supersede a Treasury order; the whole subject is left within the discretion of the Secretary.

While, on the one hand, it does not directly relieve the country from the existing illegal and unconstitutional Treasury order, on the other, it does not provide a circulating medium which shall be uniform and legal in its character. Could we say, in so many words, that all the debts of this Government shall be collected in such mode as the Secretary of the Treasury shall think best? Or that such funds shall be received as the Secretary shall think most expedient, with a view to increase a specie circulation? thus presenting a mere indication of the object he is to have in view, and leaving all the rest to him. Would that be law, would that be constitutional? What sort of a tender might a debtor of the United States make, under this law, in discharge of his debt? Suppose he tenders Virginia land scrip, and the answer given him is, "the Secretary of the Treasury has not issued any order that land scrip shall be receivable at the custom-house," would that not be a good answer? As this bill repeals all other enactments *in pari materie*, does it not refer the whole to the Secretary? May he not issue one order to-day, and another to-morrow? One order in the Northwest, and another in the Southwest? It is surely most important that, on such a subject, there should be a plain, settled, statutory provision, declaring what is receivable in discharge of debts due the Government, so that men may know what are their rights. To me it appears that, by this bill, in its present form, the whole subject is left in greater doubt than before. If we do any thing with a view to rescinding the objectionable order, let us have a bill that shall apply to the exigency, to that single object, and give the country some uniform and stable rule. If we reject the Treasury order, let us re-enact the resolution of 1816; that will get rid of any thing like rebuke or reproach in regard to the order, and will give us at least a law to guide us. As the bill stands, it leaves every thing in the will of the Secretary of the Treasury.

Mr. CALHOUN said that he agreed entirely in the view presented by the Senator from Massachusetts. This bill left that which should be the most stable of all, the most unstable. If the Senate would indulge him by postponing the subject till to-morrow, he would endeavor to present his views upon it.

Mr. BENTON suggested that it be made the order for to-morrow at one o'clock; but the form of the motion was, for some technical reason, changed into laying the bill for the present upon the table.

On this Mr. WALKER demanded the yeas and nays; which, being ordered and taken, stood: Yeas 29, nays 18.

So the bill was laid on the table.

PUBLIC LANDS.

The question being on Mr. BUCHANAN's amendment to this bill, allowing parents to enter small tracts for

their children, to be patented when they should come of age—

After some desultory conversation, an attempt was made to postpone the bill to to-morrow; but it failed: Yeas 18, nays 27.

The question being then taken, the amendment of Mr. BUCHANAN was agreed to, as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clay, Clayton, Crittenden, Ewing of Illinois, Hendricks, Hubbard, Kent, Knight, Lyon, Nicholas, Norvell, Prentiss, Rives, Robbins, Robinson, Sevier, Southard, Strange, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White—28.

NAYS—Messrs. Benton, Black, Fulton, Grundy, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Page, Preston, Ruggles, Tipton, Wright—15.

On motion of Mr. WALKER, the bill was then further amended, so as to allow no one to enter a tract in his own name until he is 21 years old.

Mr. CLAY then renewed the motion formerly made and withdrawn by Mr. MORRIS, to strike out the 4th section of the bill, including the whole pre-emption clause, and demanded the yeas and nays; which were ordered.

Mr. MORRIS supported the motion.

Mr. NILES opposed it.

Mr. CALHOUN and Mr. CLAY spoke with warmth against the unlimited pre-emptive rights conferred by the bill, and Mr. SEVIER and Mr. WALKER replied in defence of this section, with which, as Mr. W. declared, the bill must stand or fall.

Mr. MORRIS now moved an adjournment, (it was five o'clock;) and on that motion Mr. WALKER demanded the yeas and nays; which being taken, stood: Yeas 23, nays 22.

So the Senate adjourned.

TUESDAY, JANUARY 31.

JOSEPH NOURSE.

The Senate proceeded to the reconsideration of the unfavorable report of the Committee of Claims on the claim of Joseph Nourse.

Mr. CRITTENDEN briefly advocated the claim, stating that it rested on extra services of the claimant, he having, for a number of years, performed the duties of a disbursing officer, in addition to his regular employment; and that the claim had been allowed by a judicial tribunal.

Messrs. LINN and PRESTON explained the grounds on which the unfavorable report had been made; Mr. P. stating that the committee thought there ought to be a general law regulating cases of this kind, and that the committee were embarrassed by the fact that a decision unfavorable to the claim had been made by a co-ordinate branch of the Government, in such a way as to be imperious if not binding on Congress.

Mr. HUBBARD opposed the claim; and the report, on his call, having been read,

On motion of Mr. LINN, it was ordered to lie on the table.

PUBLIC LANDS.

The bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities, was taken up as the special order, the question being on Mr. CLAY's motion to strike out the 4th section, which contains the pre-emption principle.

Mr. KING, of Georgia, said that he perfectly agreed, with some of the friends of the bill who had addressed the Senate, that this clause did not essentially differ in principle from the other provisions of the bill. If the clause were more objectionable, it was in the extent and not in the character of its operation. The whole bill, he said was one to encourage a system of fraudulent speculation, partiality, perfidy, and plunder, in which those who had the least conscience would make the most money. He had waded through all the various amendments made and proposed, and thought he now understood the character and objects of the bill as amended; and, if it were to pass in the present, or any form likely to be proposed, he cared but little about the details; and perhaps the worse its provisions the better it might ultimately prove for the country. Thus being opposed to the whole objects of the bill, Mr. K. said he would take the occasion to make some remarks upon the general subject, before the question should be taken on the fourth section of the bill.

It was not likely (at least he hoped not) that we should have, strictly, a party vote upon this question. It was one of those measures, of which we had had too many in our country, which proposes bounties and advantages to some sections of the country at the expense of the remainder. That such legislation should be popular with those who expected to be benefited by it, was not at all surprising. But that those whose constituents were to be despoiled by the unjust and unequal operation of the measure, should quietly submit to it, ought not to be expected. Yet it is a melancholy truth, said he, in the history of human affairs, that such are the hidden cheateries by which the machinery of legislation is frequently made to transfer the labor of one class of citizens into the pockets of another, that it often happens that the most partial, unjust, and unequal legislation is precisely that which obtains the most positive popularity, and does most credit to those who may happen to propose it. The reason, he said, was obvious. These partial benefits were plain and palpable. They were felt by the favored, and perceived by every one, whilst the injury and injustice to the great mass of the community were more widely diffused; and, being somewhat of a negative character, are not so easily perceived or estimated. But (said Mr. K.) I doubt very much whether either the ignorance or the apathy of a majority of the people of the United States, and particularly of the old States, will be sufficient to protect this measure against that discontent which the gross injustice of it is so well calculated to engender.

Mr. K. said that, as the basis of all just remark upon this subject, it should be constantly recollected, as it had been repeated, that the public domain was a public fund; as much so as the public money in the Treasury of the United States. It should, therefore, be administered and distributed among the people with as much equality as was consistent with a fair administration of the laws. It had been truly said that a large portion of this public domain had been purchased with the common blood and the common treasure of the people of the old thirteen States. In obedience to this feeling, and in answer to the petitions of their fellow-citizens of the other States of the confederacy, the people of these States, who had the exclusive right and jurisdiction over this property, had generously surrendered it for the common benefit of the whole. Another large portion of this property, he said, and much the largest undisposed of, had actually been purchased with money from the common Treasury; money which had been collected by actual taxation upon the consumption of the people, and which, it must be admitted, had borne most heavily on the people of the old States. One would suppose, when we looked at the history of this property, when we saw from what source it had been derived, and with whose labor and money it had been purchased, that it would be considered sufficiently generous, in all conscience, to allow to the new members of the confederacy an equal participation in this great national partnership fund, when they did not, as members, bring a dollar into the concern.

This equality he did not complain of, and no one complained of it, but it had never been considered as sufficient; and, accordingly, millions upon millions had been lavished upon them, from time to time, in one form or other. When we consider the choice selections they had been permitted to make; the twelve or thirteen millions of acres of land alone that had been given to them were probably worth one hundred and fifty millions of dollars, or a sum nearly double what had ever come into the Treasury from the entire sales of the public land since the commencement of the Government. Well, one would suppose that those enormous bounties, at the expense of their fellow-citizens of the old States, would satisfy the most voracious appetite. But not so. For their advantage, solely, the public land had been put down, and kept down, at one tenth of its value, as compared with lands of equal quality in the old States of the Union. This fact had just been admitted by one of the friends of the bill. The result was precisely what might have been expected. The annals of time furnished no instance, either parallel or approximate, of equal rapidity in growth, wealth, population, and prosperity, to that exhibited by the junior members of the confederacy. On the other hand, history furnished few examples, under free government, of such premature old age, decrepitude, and decay, as that which was exhibited by some of the old States of this Union. Costly dwellings were seen mouldering into ruins, and plantations that should still be valuable were left to wash into ruts and gullies, and grow up in briers. Sir, said he, it is enough to make the heart of any patriot from one of the old States bleed to travel through this favored region, and compare its condition with the impoverished home he has left. But how could it be otherwise, with this heavy bounty, furnished at the common charge for the exclusive benefit of a small portion of the States?

Mr. K. had hoped, at least, that these manifold bounties, and this contrast so melancholy, and the truth of which all must acknowledge, would have softened the hearts and stayed the hands of those who seemed determined on the destruction of the old States: but not so; they were still unsatisfied. Emboldened by their own strength, derived from the munificence of those they despoil, and by the weakness of the latter, occasioned by the same cause, and with the aid of a few unnatural allies, they now boldly come forward and claim, for their exclusive benefit, the whole of this immense national fund. Nay, said he, a great deal more than this; for he would infinitely prefer an entire surrender of the whole of the national domain, and get rid of the expense, and these eternal torments and importunities, than to see this bill passed upon the people of the old States. If the law should be honestly enforced, the proceeds of the sales would not pay the expenses or our land machinery; certainly not, if we included the Indian treaties, Indian wars, and Indian annuities, which were all fairly chargeable to this account. Thus losing the whole of this immense property, the old States would be farther burdened with the expense of parcelling it out to others. If the law should be evaded, the sales would be something larger, but the profits on speculations would be an exclusive bounty to crime, and a premium to ingenious and fraudulent speculation.

And yet we are told, said Mr. K., that we must go for this measure because it is an administration measure. In its present form he did not believe it was so. He knew the pre-emption clause was not, as all knew that nothing was more abhorred by the Executive than that unjust and odious feature in the bill. But, said Mr. K., however this may be, do not talk to me of administration measures, whilst you have got your fingers in my pockets, or the pockets of my constituents. Take them out, sir, and then we can better reason the matter. Insert some equivocal provision; mantle the bill in some obscurity; afford some temporary refuge for reason, whilst fancy may be called in to promise some distant hope of a possible advantage to the old States, to compensate them, to some extent, for the enormous sacrifices which you propose to force upon them. Do not, said he, insult us with this plain project of taking money from the pockets of one class of citizens and putting it into those of another.

Sir, continued Mr. K., the people of Georgia, that greatly wronged, much abused, and much injured State, yielding to the claims of their fellow-citizens of the other States, with whom, in a common cause, they had marched through the perils of the Revolution, generously surrendered to the United States (with reservations too insignificant to notice, when compared to the value of the whole) two of the finest States in the Union.

This territory, if disposed of to the best advantage, would have freed the State from taxation to the end of time. Though millions of it had been squandered upon squatters, relinquished to speculators by the relief law, and otherwise prodigally disposed of, the past and future receipts from it would likely be near one hundred millions of dollars. And yet the people of Georgia, to whom this immense property once exclusively belonged, are hereafter to be virtually deprived of all participation in it, as a common interest to the confederacy. Her citizens are to be deprived of the poor privilege of buying it at the price fixed by the Government, to which it was gratuitously given. The honest planter, with a growing family of sons, with prudent foresight, looking forward to the period when your unnatural combinations and legislative plunder may render his impoverished State an unfit habitation for man, cannot provide for them a few sections of land in a more favored State, without submitting to ceremonies and restrictions which, to an honest man, will render the privilege worse than a mockery. He must stand by, said Mr. K., and see this property tied up by narrow, contracted, partial legislation, into a bundle of bribes and bounties, calculated and intended to drain the resources and consummate the ruin of the State whose generosity furnished the means of perpetrating the injustice. Sir, said he, when the people of Georgia send me here to plunder them, and not to protect them, I may think of the proposition, but not before.

What were the reasons urged for this partial and oppressive measure? Interest was sufficient to address to some; party, perhaps, to others; but what were the reasons addressed to those members from the old States who were disposed to stand up for the rights of their constituents? Why, they were the great and threatening evils of a redundant Treasury. It was strange this measure had not been urged with such zeal, for these reasons, when there was some necessity for it. Where was this surplus now, or from whence was it to be derived during the present year? Gentlemen had shown commendable caution in making, or rather in not making, calculations on this subject. No one had descended to the use of figures but the Senator from Mississippi; and he, Mr. K. thought, contrary to his wont, upon grave matters, had been a little flighty upon this subject. The Senator had estimated a future annual surplus of 20 millions of dollars, and that, without this measure, 80 or 100 millions of acres of the public lands would pass into the hands of speculators in the next four years. And what was the basis of his estimate? Why, he had taken the proceeds of the last year, (about 25 millions,) and made them the basis of his estimate for the next four years. The Senator might just as well have anticipated in 1813, that because Napoleon Bonaparte invaded Russia with an effective army of 400,000 fighting men, he would be enabled to make the same effort annually for the remainder of his life. It is certainly, said Mr. K., a logical

mode of reasoning, to say that what happens one year may, under the same circumstances, happen the next; but single instances are not always followed by their like; and there are extraordinary causes operating in finance and speculation, as there are in war, and almost every thing else.

What, then, said Mr. K., are the probable causes to which we are to attribute the extraordinary results in the sales of the public lands in the year 1836, and the year preceding? If the causes are of a permanent nature, the results may be relied upon as the basis of future estimates; if they be only temporary, have ceased to exist, or are rapidly passing away, all reasoning on such premises is more delusive than demonstrative.

Mr. K. then proceeded to enumerate some of these causes. In 1834 it was settled that the charter of the Bank of the United States would not be renewed. The removal of this institution (of which he did not wish to be understood as complaining) had encouraged in the country hopes of great profits by banking, and we had accordingly been inundated with an uncontrolled, unregulated flood of paper money, issuing from the sluices of five hundred new banks, with additional supplies from the old ones; and in the last four years the currency of the country, including specie, according to the most probable computation, had a little more than doubled. Was this a permanent state of things? Did we expect that our currency was to double every four years?

Well, continued Mr. K., what was the natural consequence of this sudden and extraordinary inflation of the currency? It was a spirit of speculation and over-trading, which reached public lands as well as private lands, and private lots, and every species of property that was a subject of bargain and sale. This spirit had extended to unbroken forests, as well as towns, cities, and villages. It embraced the poor pine lands of Maine, as well as "Jackson city," on the Potomac; a city which, in the spirit of the times, after the lots had been disposed of, was commenced and finished in a single day. These wild speculations, extending to every thing, were the inevitable consequence of this great redundancy of the currency: for money was unlike most other commodities in the extent of the demand for it. There was no certain limitation on the demand except that which was found in a limitation of the supply. So general was the disposition to make money without labor, that men would always be found to adventure in speculation when they could procure money with facility.

Mr. K. said that this redundancy of the currency had, moreover, been sustained, by concurrent causes, (some of them not dependent on the markets of this country,) for an unusual length of time, without a reaction. In the first place, said he, it has so happened that the increased demand for our principal exports has gradually increased in value for the last three or four years. The value of our exports each year, for that period, has been an advance on that of the year preceding. As a general rule, with the advantage of such progressive increase in the value of exportation, it is impossible to create a demand for the exportation of specie whilst such increase continues. But, unfortunately, this has not been the only means by which we have increased the debits of our foreign account. Look at our foreign account for the year 1836—one hundred and seventy-four millions of imports, and one hundred and twenty-two millions of exports; leaving a balance of fifty-two millions against us, deducting only our portion of the profits of trade. These profits could not be safely put down at more than twelve or fifteen millions, leaving a probable clear balance against us of forty millions of dollars. And yet, he said, the exchanges had continued in our favor, indicating a favorable balance. Sir, said he, what sort of a balance is this? It is not a balance on the exchange of valuable commodities. It is the deceptive balance of the borrower to the lender. If, said he, you be a man of fortune, and I be without fortune, yet, if I borrow all your money I will have plenty of money and you will be destitute, though the richer man of the two. And if it be necessary for you to send the money you loan to me from Alabama to Georgia, my note, sent to you in exchange for it, produces precisely the same effect upon the exchanges between the two States as if I had consigned to you the value in valuable commodities.

By just such means have we indicated a favorable balance against Europe. Instead of the produce of industry, we have sent about forty millions in notes, bonds, stocks, and State securities, and, the exchange being in our favor, we have imported the return in specie. So that we have not only borrowed forty millions to sustain our currency in the single year of 1836, but we have borrowed that amount in specie to aid in sustaining a paper issue. What was the result of all this? Why, the result of the extravagant speculations growing out of a redundant currency, and that redundant currency, sustained and kept up by the means adverted to, had been a large surplus treasure deposited in the deposite banks. The interest of these banks required that they should make the most of the deposite; and, to do this, they would naturally prefer loaning to speculators in the public lands, as they were certain of a return of the deposite. To this large deposite, Mr. K. thought, might be attributed, perhaps, the whole increase in the sales in 1836 over the sales of 1835, which increase was about $10,000,000.

Now, continued Mr. K., these are the principal causes, I apprehend, of the extraordinary results in the proceeds of the sales in 1835-'6. Are they permanent? Can their continuance be relied on as the basis of future estimates? If not, these calculations of twenty-five millions a year from this source, hereafter, are mere delusions, and cannot safely be taken as the basis of important legislation. Let us look, then, at the last cause first: the surplus revenue in the deposite banks, amounting to forty or fifty millions during 1836, is now sinking under the operation of the deposite law, and, in the course of the year, will entirely disappear. This great cause is, then, rapidly passing away. Next, as to the condition of the currency, generally—the primary cause of speculation. Is it to be sustained by causes heretofore operating? Can it be propped up any longer by borrowing from Europe? On the contrary, we find the resource of borrowing entirely cut off, and the moneyed interests in Europe have taken steps to stop the exportation of specie to this country. And such is the state of the money market in Europe, that it is likely all stocks sent there on pledge will be returned for redemption, and all loans falling due will be pressed for payment. The most favorable view of this branch of the subject is, that the principal of our European loan cannot be increased; and even if our whole credit there be continued as a loan, the interest hereafter must be added to the other side of the account; and the rise in exchanges will probably soon call for an exportation of specie.

In the next place, have we any hope of assistance from an advance in our exports? On the contrary, all accounts concur in sustaining the Secretary of the Treasury in his opinion, that in this there will be a very heavy decline. We have, then, none of the extraordinary means of sustaining over-issues, which we have commanded heretofore. Sir, said he, I am no practical merchant, no practical banker, and do not profess to be high authority on these subjects. He wished to create no panics; and had too little confidence in his own judgment to make any positive prophecies. But if he possessed the ordinary faculty of connecting effects with their causes, where the connexion was obvious, he

thought we had the facts before us, from which we might reasonably apprehend one of the most tremendous explosions that ever afflicted any commercial people. It might be averted or postponed, but no prudent and experienced financier, he thought, would act on the presnmption that it could be entirely avoided, or even postponed to a very distant day.

There was another reason, Mr. K. thought, for a diminished estimate in the sales of the public lands; and that was the very fact upon which high future estimates had been made. He alluded to the great quantity of land lately taken up on speculation. These lands, he said, were doubtless the best selections, and nearest to the settled parts of the country, and the quantity was sufficient to anticipate the demand for actual settlement for twelve or fifteen years. When the spirit of speculation had ceased, these lands must come extensively into competition with the Government, and diminish the Government sales. It was a great mistake to suppose that large land companies or speculators were in the habit of holding up their lands at exorbitant and forbidding prices, that a large and unproductive property might be sold and settled by posterity. They had, generally, neither the power nor inclination to do so. They could not obtain very large profits whilst the Government was in free competition with land of equal quality and at as low prices. Mr. K. mentioned several instances where investments in Alabama, in 1820, on speculations, had yielded only an interest on the investment, and in some cases not even that. He also stated that some of his friends had gone to Mississippi during the late land sales, and had purchased the choice selections, from a large supply held by a land company, at a moderate advance on the original cost, and had preferred purchasing of these companies to taking their chances at the sales. Operating upon a large scale, a small advance per acre affords a handsome profit, though generally less than is paid to "land hunters," for selecting and locating in smaller quantities. As much of the money with which lands have been purchased on speculation had been borrowed, Mr. K. thought many purchasers would, from necessity, come into competition with the Government, at something like Government prices. But, if we restrict the competition of Government, we give a monopoly to previous purchasers, and probably secure to them very heavy speculations. Such inconvenient restrictions on the Government sales must make the fortunes of those who have already invested largely in the public lands. However this might be, he said, the large quantity in the hands of individuals, which had rapidly accumulated there from temporary causes, must come very largely into competition with the Government sales.

Mr. K. also briefly alluded to the probable independence and settlement of Texas, at no distant period. If this should occur, there would be a large body of the finest lands in the world, opened at fifty cents per acre. This temptation would carry off thousands of our emigrating population, and reduce the demand for settlement and cultivation. This, he said, was a contingency, to be sure; but every argument at all bearing upon the subject should be noticed, when there was a proposition which virtually gave up this immense property of the people, as a common property, and distributed it in bounties and benefits. Upon the whole, Mr. K. concluded that, when we examined the cauees of the extraordinary amount derived from the public lands during the last two years, and that those causes were passing away, and presenting considerations upon which we should greatly reduce a future estimate, the estimate of the Secretary of the Treasury was much more probable than any other by which it had been attacked; it was the estimate of an experienced and practical financier, and gentlemen could not and did not attack it by reasoned calculations, but flourished over it without the use of a single figure.

But, said Mr. K., I can tell gentlemen, for their consolation, that they shall not escape so easily in this matter. They shall come to the point, and submit to an examination of figures: yes, and those, too, figures of arithmetic, and not figures of rhetoric. They shall either shut their eyes, refute or admit, or the only avowed motive by which they justify their votes for this flagrant robbery of the old States shall be taken from them without their consent.

Mr. K. said he would now proceed to show what foundation there was for an alarm about a surplus in 1837, which was the only ground upon which any member from an old State dare to place his vote to plunder his constituents. He would first attempt to do so by that slighted report of the Secretary of the Treasury, which gentlemen could run over, but could not reason down. He would then look at the account as it would stand, even if the Secretary was as far mistaken as gentmen supposed.

What, then, continued he, according to this estimate, will be the cash resources of the Government for the year 1837? The Secretary estimates them at twenty-nine millions—that is, five millions retained in the Treasury of unexpended appropriations, and twenty-four millions as the receipts of the year. From what source is this twenty four millions of income to be derived? Let us examine each item, and see how far the estimate can be attacked in detail. The first item is for customs, sixteen million five hundred thousand dollars. Was that too low? The customs produced more last year; but last year the importations had been swelled by temporary causes, such as the great destruction by the New York fire, a spirit of speculation, &c., and could not be relied on as the basis of future estimates. The estimate made by the Secretary might be a little too high or too low. It was more than we derived from the customs in 1834, when the duties were higher than they will be in 1837, and no practical financier, at the head of the Department, would have considered it safe to calculate on a greater revenue from this source. This item, however, had not been attacked, and might therefore stand admitted. The next item was two million dollars from the stock of the Bank of the United States: nobody had questioned this item; we might get more than this from the bank in 1837, but at the same time we might not get a cent. At any rate, this was not a permanent source of income; it was a part of our capital. That item not being disputed, time need not be wasted upon it. The next item was five hundred thousand dollars for interest, and other small matters, about which there could be little mistake. The next item was that of the public lands, five million dollars, which was the principal subject of attack. On that item, in addition to what he had said, he would only here remark, that it was more than the public lands had ever brought into the Treasury in one year, except in the years 1835 and 1836. And if the causes of the extraordinary results in these two years had been shown to be of a temporary character, no higher estimate could have been safely relied on.

The account, then, stands thus:

From customs, - - - -	$16,500,000
Bank stock, - - - -	2,000,000
Interest on money from deposite banks, &c.	500,000
Sales of public lands, - - -	5,000,000
	$24,000,000
Reserved in the Treasury of unexpended appropriations, - - - -	5,000,000
	$29,000,000

This is the sum, then, to answer the calls of the Government in 1837. What are the charges upon it? In the first place, in round numbers, the appropriations, new, transferred, and permanent, for 1837, as estimated, are	$26,000,000	
Unexpended appropriations	14,000,000	
		$40,000,000
Leaving us indebted to appropriations, at the end of the year 1837,		$11,000,000

It will be seen from this that, even if there remain unexpended appropriations in the Treasury, at the end of 1837, to the amount of $14,000,000, that is, a sum as large as remained at the end of 1836, (a very improbable event,) then we shall have only $3,000,000 in money to answer the demand, and will owe still $11,000,000 more than we have money in the Treasury to pay. But if there should remain in the Treasury, at the end of 1837, a much smaller sum, say only $9,000,000, (a result much more probable,) why, then, we should have to call on the States for $2,000,000, and would still owe $9,000,000 to appropriations beside.

The above, Mr. K. said, would be the probable state of the account, provided the estimates of the Secretary were correct, as well in appropriations as receipts. Should we, then, appropriate what was asked by the Government? He saw no disposition to vote less, and particularly by those most in favor of this bill; and on this subject he would only further remark that, for many years past, Congress had uniformly appropriated from two to four millions more than was asked by the Government, and the last year we had appropriated about ten millions more.

But it was said the Secretary was in error in his estimate of the proceeds of the public lands. Very well, let us view the matter with that admission. How much was he wrong? It seemed to be a private sentiment with some, that, as the deposites would not be removed entirely till the end of 1837, and money might be made more plenty in the States by distribution, the speculations might continue sufficiently, during 1837, to bring into the Treasury ten millions. There was some reason in this; and for such gentlemen we would put down ten millions, and say the Secretary has erred five millions. What then? Why, we would still owe six millions at the end of 1837. Did any one, except the Senator from Mississippi, ask more than this? If so, give them fifteen millions, and we would still owe one million to appropriations; and even carry the amount to the twenty millions, (a sum to which it could only be carried by a race of the imagination,) and we should, even then, only have four millions in the Treasury unappropriated. This was a sum with which we should never be discontented, and to get rid of which he would never adopt any extraordinary measure. It was a sum we had often had in our Treasury, and which was calculated to do no injury or create any alarm.

The only object, then, which members from the old States would avow to justify this outrage upon their constituents, was entirely swept from under them by mathematical demonstration. If there were any error in this calculation, let gentlemen show it. There was no danger, however, that gentlemen would even attempt this; for, except by general assertions and sweeping estimates, it was a branch of the subject they seemed anxious to smother. In the very sweeping glance of the only Senator who had touched it, he took scarcely a notice of expenditures, nor did he even notice that we owe fourteen millions to unexpended appropriations. The truth was, he said, that the bill was supported by a strange and unnatural combination. Supposed interest was sufficient for some; the influence operating on others he would name, and perhaps did not know; and others were actuated by motives they did not think proper to avow. He said it could not be disguised, and ought not to be denied, that the only object of one influence exerted in favor of this bill was to draw back the money deposited with the States, and indirectly defeat the deposite bill. That this must be the effect of the measure was inevitable, unless the expenses of the Government could be greatly reduced, which no one had suggested was immediately practicable. And why this persevering opposition and untiring antipathy to the deposite bill? No one regretted the necessity for that bill more than he did at the time, and no one who voted against the bill was more opposed to raising money for distribution, or to a policy of distribution. But this was an extraordinary measure, to meet an extraordinary emergency. We found thirty or forty millions in the Treasury more than was required for the purposes of the Government. The question was not so much how it was raised, as what should be done with it. If it had been improperly raised, that was no reason why it should be improperly wasted, or disposed of in a manner to produce the greatest evils. To continue this amount in the deposite banks was acknowledged, even by the opponents of the bill, to be altogether intolerable; the President himself had acknowledged this; and yet the opponents of the bill, though full of objections, had no plan except to allow the money to remain in the deposite banks, where they acknowledged it was ruining the currency, and would ruin the country. The Senator from Missouri [Mr. BENTON] had a plan, to be sure, and that was to raise the expenditures of the Government, and expend the surplus in fortifications, armories, arsenals, &c. The great objection to this plan was that in expending the surplus, merely to get rid of it, we should have laid the foundation of a permanent expenditure, inconsistent with the economical habits of our people, and with the simplicity of our republican institutions. The tariff would have been raised in a few years, instead of reduced, and the burdens of the people unnecessarily increased, to keep up a scale of expenditure established by a prodigal expenditure of the surplus. For you might as well undertake, said he, to reduce the natural stature of man without the use of violence, as to undertake to reduce the expenditures of a Government after they are once fixed. England had tried that. In vain have the retrenching members of her reformed Parliament, in their patriotic efforts, appealed to the expenditures of 1797, (thought then to be an extravagant period,) and showed that the present expenditure is, in some instances, near three times as much for the same service. Each branch of the service has influence or tact enough to preserve itself from encroachment; and every expense is made to appear necessary, because it has become habitual. He was sorry to say that the increase in the expenditures of some branches of our own service taught a similar lesson. These (said Mr. K.) were the objections to the useless expenditure of the surplus, by the General Government. The expenditure of the surplus would only have been the beginning; the end would have been a heavy permanent expenditure.

Again, this plan of extravagant expenditure was no remedy for the evil. The labor could not have been commanded, or the work performed, with any regard to durability or economy, with sufficient rapidity to have made any effectual impression on the surplus for several years; and this plan would have been just equivalent to giving the deposite banks a warrant to keep it for three or four years: for the revenue would have accrued nearly as fast as expended. It would be perceived that fourteen millions remained unexpended, though we ap-

propriated last year thirty-four or thirty-five millions. If we had appropriated sixty-four or sixty-five millions, as we were asked to do, the unexpended appropriations would have been probably double.

This plan, then, was neither acceptable nor effectual, and no other plan seemed so effectual and so just as the plan that was adopted. This money was in the Treasury; it belonged to the people; and was not needed for the public service, and could not be permitted to remain on deposite without great and acknowledged evils. To give the people the use of it, with some regard to equality, until needed for some really national purpose, was certainly the most just to the people, whilst it was most effectual in avoiding the evils complained of. Not the least evil of leaving this immense surplus on deposite would have been to make it a subject of continual scramble for partial and useless appropriations, in which the least scrupulous would have succeeded best.

Mr. K. repeated that this surplus rightly belonged to the people of the States, who should be permitted to retain it until wanted for the real purposes of the Government; and no necessity should be created, by a measure of injustice, to call back this money. The money had been raised by the unexpected and unprecedented sales of the public land, and had not, properly speaking, been raised by taxation upon the people.

Even if this surplus money, he said, had been raised by taxation improperly, it would have been better to have returned than wasted it. A great deal of slang had been used to create a prejudice against the distribution or deposite bill, by reprobating the idea of taxing the people to return the money to them under a system of distribution. It perhaps never occurred to those wise lecturers that the customs for the last three years had not paid the expenses of the Government, or any thing like it; and this moment, but for the extraordinary proceeds of the land sales, there would have been no surplus, and the Treasury would have been bankrupt. No human foresight could have foreseen or prevented this surplus. It could not have been done without an entire repeal of the tariff two years ago; and if any man had proposed an entire repeal of duties two years ago, on the ground that the lands would bring into the Treasury forty millions the next two years, when they had never before produced more than three or four millions a year, he would have been pronounced a madman.

And, as to "a system" of distribution, nobody, he presumed, ever thought of a system. The object was to provide a present remedy for an already existing evil, not to raise or create a surplus for future distribution; and he had voted to encroach on the appropriations, by dividing a part of the unexpended balance, that it might be unnecessary to repeat this, or adopt any other extraordinary measure, to dispose of a future surplus.

The surplus already divided would do a great deal of good, if it could be permitted to remain with the States. In ten years it would change the face of this continent, and gentlemen are very much deceived if they believe the measure unpopular with the people. They well understand their rights in this matter; and, as the money arose from the sale of the national domain, in which the people of the States have an equal interest, they consider themselves fairly entitled to this money until the Government really needs it. Believing the Government would probably never need it, they have projected improvements on the faith of it, and, although they will return it cheerfully if actually needed, they will never willingly return it to answer a necessity created by an unjust and odious measure for the express purpose. It is the only farthing, said he, that the old States have ever received from this immense property, once their own. Millions upon millions, on the other hand, have already been lavished upon the new States, and we now propose to take back this pittance, that we may be enabled to give away the remainder.

Though this distribution or deposite bill, he said, was the only measure which could have relieved us from the difficulties of an overflowing Treasury, with any tolerable justice to the people, yet he respected the motives of those who originally voted against it. His honorable colleague, whose integrity and patriotism needed no encomium from him, had voted against it. He respected his motives, and had no reason to believe that his own were not, in return, duly appreciated. The measure was a novel one, and those who had not fully examined and deeply reflected on the absolute necessity of it might well have doubted the policy of the experiment. But the measure had passed, the Treasury was relieved, and the money was generally well employed. And, as the money arose from the sale of property, under extraordinary circumstances, and not by taxation, there was no sort of danger from the precedent. Some were much alarmed for the morals of the people, which they affected to think were much endangered by the use of a little of their own money. To these conservators of the public morals, he would only suggest the danger of being told by the people, that they might be, perhaps, as well employed in taking care of their own. This money, he repeated, would generally be employed to good account, and he thought it a mistake to suppose that it would even be popular in the new States to recall this money for the benefit of speculators and squatters: for the bill would be extremely confined in its benefits; and he doubted whether, in the aggregate, any new State would be materially benefited by it. It would greatly limit the quantity of land sold, but much increase the profits of speculators, by confining it very much to those who would not scruple at frauds and false oaths to evade and violate the law. Like most unjust measures, based on wrong principles, it would inflict injury on some, without a corresponding advantage to others. It was ruin to the old States, and of doubtful benefit to most of the new. Even the large speculators, so much denounced, conferred many benefits on the States in which they purchased, to compensate for any supposed inconvenience they occasion. They are men, often, of capital and enterprise, and project and execute the most important internal improvements in the country. They carry out good industrious settlers, and sell them portions of the land at fair prices, in order to improve the value of the remainder; and not unproductive squatters, who may be hired to sit down in the shade to secure a valuable pre-emption to be sold on speculation.

Mr. K. said he had consumed so much more time on the general subject than he intended when he arose, that he would be brief upon the clause which it was proposed to strike out. He said that he should vote to strike out this pre-emption clause, not that it varied much in principle from the rest of the bill, but just upon the principle that he would vote to strike out the whole bill. The whole bill was one for the establishment of a system of fraudulent speculation, and he would vote to narrow it down by striking any and every clause from it, till it might entirely disappear.

This motion had, he said, again given rise to a great deal of eloquence on the high virtues of squatters. A happy talent that, possessed by his friend from Mississippi, of being eloquent just as well on one subject as another. A real genuine squatter was really one of the driest subjects for eloquence that ever presented itself to the mind of any orator. If he were going, he said, to work himself up into a paroxysm of eloquence, a squatter was about the last subject he should select to stir up this emotion. He would as soon go to the penitentiary to select subjects for canonization, as to go

among the squatters to inspire him with eloquence. He should not know on what point of a squatter's character to become pathetic, and would, therefore, be constantly in danger of crying at the wrong place. The Senator from Mississippi [Mr. WALKER] might produce impressions on some generous hearts by his imaginary pictures of the humble virtues of these law-breakers. But, if so, it must be upon those who know nothing about them. There might be some exceptions, but take the border squatters as a class, and they were certainly the most worthless set of men who have any claim to the honors of being American citizens. They were mostly an idle, profligate set of men, who hover along the frontier settlements, with their heads full of all sorts of schemes for living without profitable labor. They are, said he, men frequently who find it very convenient to be exempt from the operation of the laws, both civil and criminal; they therefore generally keep beyond the organized limits of the country. They produce not the worth of a dollar to add to the exports of the country, and they consume nothing that pays a tax to the Government. They perform no civil duties, and discharge none of the obligations of society. They penetrate beyond your borders, often in the neighborhood of Indian tribes, or among them, and, by squatting upon the land of the Government, and stealing their provisions from the Indians, they literally live by unlawful depredation. They are the very men who provoke most of your Indian wars, which cost us millions of money, and many lives better than their own. Where is their merit, to give them this heavy claim to favor over the rest of the citizens of the country? Yet, they come here asking heavy rewards for crime, and large premiums for a violation of the laws. Yes, and gentlemen, with the evidences of outrage in the very petitions they present, press their claims upon the sympathies of the Senate by fancy pictures of the humble virtues of the industrious poor. The honest, laborious cultivator of the soil appeals to you to protect him against the avarice and rapacity of the odious speculator. Why, sir, said he, such is the influence of language upon the thoughts of men, that to the mere force of names and epithets may perhaps be attributed three fourths of all the error and delusion by which the views and sentiments of men have ever been misled. Something like an excitement has been got up in the chamber, by applying epithets to men entirely inconsistent with their character. Men who violate the laws, trespass upon the public property, and treat the authority of the Government with habitual contempt, are here christened the hard-handed, honest-hearted cultivators of the soil, deserving the peculiar favor of the Government, whilst the orderly citizen, who keeps within your surveys, complies with all the formalities of your laws, and buys what the Government has to sell, at the price the Government fixes on it, is branded as an avaricious speculator, a land glutton, an odious character, who deserves some signal mark of the displeasure of the Government and country. Great merit is claimed for these hardy yeomanry who penetrate the wilderness, and select and settle upon the choice spots, before the lands are brought into market; the dangers they encounter and risks they run, in making these settlements, are supposed to entitle them to these choice selections, on which they make such enormous profits as soon as the pre-emption is secured. Why, sir, the midnight housebreaker might just as well insist that he had an honest claim to all the property in the house, to compensate him for the risk of breaking in. Did any body suppose a squatter ever "penetrated the wilderness," in advance of the surveys and settlements, from patriotic motives? Who told them to suffer these dreadful privations? We forbid them by law; and yet, to make large speculations with little or no labor, they patriotically violate the law, and then claim to be rewarded for it. These great cultivators, he said, pioneered for us without our consent, selected all the choice spots, mill seats, water powers, town sites, &c., and so soon as they secure a pre-emption, and sell out for enormous profits, they patriotically "penetrate the wilderness," endure dreadful hardships, and, for the good of their country, squat down somewhere else. The Senator from Ohio, from actual observation, had given us an idea of the farms of these cultivators, and which was shown also, to a great extent, by documents from the land offices, and notoriously true. They build a three-cornered pen, (a square pen being too onerous,) and sow it in grain, or they plant a few stalks of red pepper or tomatoes. This crop is recommended, by not requiring a close enclosure, and because it will grow in the shade; for these public benefactors, who make such sacrifices for the good of the country, are often too lazy to belt a sapling. By these picked settlements they often make enormous profits for themselves, or those capitalists who have hired them to squat. It was, he said, emphatically, not a system of settlement and cultivation, but of squatting and speculation. These selections, made in this way before the country is brought into market, frequently sell for a profit of five or ten thousand dollars; (these prices he had known given in a few instances himself;) and in one noted instance a million and a half is the estimated value. Why give to a few adventurers, whatever might be their character, such an immense advantage over the rest of their fellow-citizens? By the way, Mr. K. said, good humoredly, he hoped his friend from Connecticut [Mr. NILES] would not be permitted to vote; his head had evidently been turned by the prospects of large profits from that squatting speculation. Without some insensible influence, he could not see now it was possible for any member from an old State to vote for this bill. The Senator had very candidly confessed to us that one of his friends, "a shrewd fellow," had been following the new surveys, and, having selected about fifty valuable tracts to be secured by squatting, had marked the name of his friend upon a tree, to secure one of them for him. And he (Mr. K.) wou'd venture that, if this bill passed, his friend would have his pen and his pepper upon it in less than six months. And Mr. K. would venture further, that the whole fifty tracts would be secured under the law; for one regular branch of these pre-emption speculations was carried on by those "shrewd fellows," who furnish the capital and enlist regiments to secure these valuable selections by pre-emption claims. But it was said the object of this bill was "safely guarded by oaths," &c. Yes, by oaths; and of what account were oaths against these immense bounties to perjury and corruption? Had we not sufficient trial of the efficacy of these oaths already? The object and language of the pre-emption laws heretofore passed, he said, were as plain as need be; and yet we see how settlements have been made, and are also officially informed that there are bushels of contradictory affidavits in the land office, exhibiting a mass of corruption disgraceful to the country, embarrassing to the whole department, and requiring additional labor to settle the conflicting claims. It will be recollected, too, that we never hear of these corrupt evasions of the law except in cases of conflict among the scramblers themselves, or between one of them and a regular entry. The whole system, he said, was wrong in principle, demoralizing in practice, and a gross fraud upon the orderly citizens of the United States. If the object was only to enable the poor cultivator to get a home at $1 25 per acre, and not to favor these "shrewd fellows" and idlers, who wish to speculate on their settlements without labor, where was the necessity for these unfair preferences? There were, he believed, about one hundred and twenty millions of acres now surveyed, and sub-

ject to private entry. These lands they can enter according to law. Are they not good enough to settle? Why, the Senator from Mississippi has just told us that these lands are worth so much more than one dollar and twenty-five cents, that, unless we pass this law, they will be sacrificed, and go into the hands of speculators in a few years. Yet these lands, though many of them are worth ten times the Government price, as stated by the Senator from Mississippi, are not a sufficient bargain to satisfy the claims of these voluntary pioneers, whose patriotism and unceasing regard for the interests of their country results in such happy speculations for themselves.

Mr. K. said he was somewhat apprehensive that the Senator from Mississippi would make a spirited reply to him in defence of the squatters; and as he was very anxious to prevent such a prodigal waste of the eloquence of his friend on so unworthy a subject, he would just admit, for all the purposes of the question, that these squatters were as good as the rest of their fellow-citizens. Were they any thing better? If they be poor and laboring men, are they any better than the other poor and laboring men throughout the Union, who have equal claims to the national domain? Is there any thing so peculiarly praiseworthy in a violation of the laws and the perpetration unauthorized trespasses, as to claim the peculiar favor and patronage of the Government?

These pre-emptions (Mr. K. said) were a source of endless confusion as well as corruption, and were a perfect nuisance to the land office. He had received a letter a few days ago, from a citizen of Missouri, which he had intended to read, as a sort of instruction to his friends from that State. He had mislaid it, and, as it bore so strongly on the subject, he was fearful some friend of pre-emption had committed a theft upon him. However that might be, the writer stated, among other things, that it was very desirable to put an end to this odious system. That it was unfair and unjust to other citizens, and created great embarrassment in the regular entries. This latter statement, he said, was only what we already knew from official documents. The truth was, that persons making entries did not sometimes see or hear of the pen, and entered the land, not knowing that there was any pre-emption claim on it. This produced a conflict, which was sent here for settlement; thus greatly embarrassing the duties and increasing the labors of the department.

The whole system, in any way it could be regulated, was wrong, from beginning to end. It was a bounty to idleness and vice, a cheat upon the honest citizen, and a nuisance to the Government. He should vote to strike out the clause; and he would vote to strike out any and every other clause, until the whole had disappeared. He was against the whole bill, and the whole object of the bill, because it parcels out a common fund among speculators and squatters. Because it virtually invites a scramble for our great national domain, in which those who have the least merit will make the best speculations. The sales on speculation will be reduced in quantity, but the profits will be enormously increased, and very much confined to the least worthy, who will not scruple at fraud, perjury, and evasion. Because it is a gross injustice to the old States to deprive them of an equal participation in this national domain, depreciate the property of their citizens, and drain them of their wealth and population. Because there is really no necessity, or even apology, for the measure—a large surplus the present year being next to impossible. Because in no view of the subject can the pretended emergency be more than temporary, and of very short duration; and it is the worst of policy to legislate upon great abiding national interests upon every trifling or temporary occasion. It unsettles property, creates speculation, renders judgment and experience of no value, makes every thing depend on the chances of legislation, and keeps the property of the country continually changing hands. For these and many other reasons that might be given against a bill that had not one single recommendation to compensate for its enormous injustice and the many evils that would grow out of it, he should vote to strike out the fourth clause, and against the whole bill.

Mr. BAYARD said that he had listened with great delight to the Senator from Georgia, who had given a true exposition of facts, as connected with the speculations going on in public lands, and the effects which would result from passing this bill. Mr. B's first objection to the section proposed to be stricken out was, that it changed the whole policy of the Government in regard to the public lands, binding the Government to make them a source of revenue. His second objection to the bill was, that it was holding out an encouragement to the people of the old States to leave their homes, and go where a population was not wanted.

Mr. B. read a communication from the Secretary of the Treasury at the last session, by which it appeared that the whole amount of lands surveyed in each State and Territory was 166,970,000 acres; that there had been sold 44,000,000 some odd hundred thousand acres; and the consequence was that no less than 122,000,000 remained subject to private entry. But what did this bill propose to do? It proposed to open all the unsurveyed lands to emigrants. Not less than from 170,000,000 to 200,000,000 acres of unsurveyed lands were to be thrown open to the people, to go and settle upon where and when they pleased.

Mr. B. next adverted to the price of the public lands, and asked the Senator from Mississippi whether, taking the whole of them together, they could be valued at no more than $1 25 per acre? and then argued that the effect of the bill was nothing less than to offer a temptation to the people of the old States to go West. The bill, too, was unequal in its provisions, and the inevitable consequence would be, should it pass, that those living in the neighborhood of the public lands would get hold of all the choice land. And they would have a decided advantage over individuals coming from the Eastern States, because they possessed that local knowledge of the best lands which those from a distance had not; for they had not had the opportunity of finding them out, not having lived in the neighborhood of the lands. In fact, he looked upon the bill as opening a door to fraud, and offering a bonus to the population of the old States to remove to the West.

Mr. TIPTON vindicated the conduct of some of his constituents, against whom he considered the Senator from Georgia [Mr. KING] to have made charges, as connected with their having settled on the public lands. He had done great injustice to Mr. T's constituents, by placing them on the same footing as squatters. Mr. T. went on to show wherein his constituents differed from those who purchased lands when the Yazoo country was in the market for sale. What! (he inquired,) are these men to be denominated thieves and robbers? The honorable Senator had done them great injustice; and he felt certain that, did he know the true state of the facts, he would not have made so serious a charge as this. With regard to the section under consideration, he would vote against it. Indiana had nothing to hope or to fear from it. She would be glad, however, if the old pre-emption were revived; and if Congress desired that the frauds which were said to be perpetrated in the purchase of the public lands should cease, let them graduate the price.

Mr. KING, of Georgia, made a few explanatory remarks, and averred that it was not the wish of a great majority of the people of the new States, so far as he

could ascertain, that a pre-emption law should be passed.

Mr. TIPTON expressed himself tolerably well satisfied with the explanation of the Senator from Georgia. He was aware that a great majority of the people residing in the new States are not anxious for a pre-emption law. The majority of the people of the State of Ohio, as well as his own State, care nothing about it, and have not asked Congress to pass such law. There are but three counties in Indiana where the people did care for and desire the passage of such a law, and they were honest and honorable men.

Mr. FULTON said the passage of this bill would put an end to the enormous speculations which had taken place in the public lands. Such had been the effects of the combinations of speculators in the purchase of lands, that they had compelled men to pay from five to twenty dollars per acre for them, when, in fact, they would not otherwise have had to have given more than one dollar. In the State of Arkansas, during the last year, whole counties were entered by speculators; and honest, industrious men had been compelled to quit their homes; and at a sale which took place at Little Rock last spring, some speculators combined against the honest settlers, and they purchased the whole of the land offered for sale, and in a few days afterwards they sold it at auction, and realized about one thousand dollars per share. Millions of dollars would have been expended in the same way, had it not been for the much-reprobated Treasury order, which prevented their bank paper from being received. Mr. F. defended the provisions of the bill against what had been alleged against it, and then spoke of those men who were denominated "squatters." He vindicated their character from the aspersions which had been cast upon it, and argued that they were bold, and brave, and hardy adventurers, who went into the very wilderness of the country, where they settled down and cultivated the land, thereby rendering the public lands the more valuable. He remarked that the State of Arkansas was settled by "squatters," who were so much denounced here; six or eight hundred of whom were at present at Fort Gibson, and who had wished to defend the frontier from the savage and ruthless invader. Adverting to the settlement of the public lands, he said that, instead of its being criminal to do so, Congress itself had authorized the adoption of that course. And had not Congress, from the year 1824 to the present time, been granting pre-emption rights? Certainly they had. With regard to what had fallen from the Senator from Georgia, in respect to the sales of land in Alabama, he would remind him that they were credit sales; and in consequence of the high prices that were given by the purchasers to the Government, it was at length importuned so much from year to year to lower the price, that it was finally reduced almost to a minimum, and cash payments were demanded. The ill consequences of high prices, too, had caused the present system.

And, with respect to the system about to be introduced, he considered that it would put a stop to speculation entirely, and would greatly tend to reduce the revenue of the Government, as derived from the sales of the public lands. The great recommendation of the bill was that the Government of the United States was to be the landlord; that lands would be purchased of them, instead of unreasonable and grasping speculators, so that justice would be done to every man. In conclusion, he expressed his hope that the provision under consideration would be adopted by the Senate.

After a few words from Mr. BAYARD, on taking the question, the amendment was rejected by the following vote:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tallmadge, Tomlinson, Wall, Webster—22.

NAYS—Messrs. Benton, Black, Brown, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Tipton, Walker, White, Wright—24.

Mr. CLAY moved to amend the bill by providing that the right of pre-emption shall not apply to any lands prior to their being surveyed.

After some remarks in opposition to the motion by Messrs. LINN and WALKER, it was lost: Yeas 23, nays 23, as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Kent, King of Georgia, Knight, Morris, Prentiss, Preston, Robbins, Ruggles, Southard, Strange, Swift, Tallmadge, Tomlinson, Wall, Webster—23.

NAYS—Messrs. Benton, Black, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Tipton, Walker, White, Wright—23.

Mr. BLACK moved to amend the bill by providing that the privileges of this act shall not extend to any others than citizens of the United States; which motion was adopted: Yeas 24, nays 21, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Fulton, Grundy, Kent, King of Alabama, Knight, Page, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tipton, Tomlinson, Wall, Webster, White—24.

NAYS—Messrs. Benton, Brown, Dana, Ewing of Illinois, Hendricks, Hubbard, King of Georgia, Linn, Lyon, Moore, Morris, Nicholas, Niles, Norvell, Rives, Robinson, Sevier, Strange, Tallmadge, Walker, Wright—21.

On motion of Mr. WALKER, the bill was amended by providing that no pre-emption shall extend beyond the limits of any State or organized Territory of the Union.

Mr. TALLMADGE offered a new section at the end of the bill, continuing it in force until 31st of June, 1842. He observed that, as this bill had been urged and advocated as a fiscal measure, he had fixed its limitation to the same period as had been assigned in compromise for the termination of the reduction of the tariff. The bill, as it stood, was unlimited as to time, and almost as much so as to extent of territory. Congress was entering on an untried experiment, and it was best to reserve some limitation in their own hands, so that it might be revoked if it were found not to work well.

Mr. CLAY said he should vote for the amendment now proposed, rather from the spirit in which it had been offered, than from a belief that it would have any practical effect. Pass this bill, (cried Mr. C.,) and the national domain is gone. By the year 1842, it will require a search-warrant and corps d'armee to find any part of it. A few men would settle on the woods, surround a prairie, and would at once get command of the whole prairie. The Senator might then look in vain for any fiscal resources from this quarter. The public lands would be gone. They were now going. What had the Senate heard from the Senator from Arkansas? That gentleman, it seemed, had received an assurance that when his friends should come into power, all manner of good things were to be done for him in regard to the public lands. And the honorable Senator had thrown out something like a reproach on those who had made such promises, that now, when they had the power in both Houses, these engagements had not been complied with. The country ought to know more about this matter. They had a right to know what these arrangements were

which were to be fulfilled so soon as the dominant party got the control of both Houses of Congress. Not only had the complaint been heard in that chamber, but similar language had been held on another floor which he would not name. There, too, reproaches had been uttered as to the non-fulfilment of engagements. He wished to understand what these engagements were. In the mean while, he could assure the gentleman from New York [Mr. TALLMADGE] that, in the year 1842, Congress would have no trouble whatever with the public lands. Pass this bill, and the next effort would be to remove, first, one restriction, and then another, until all restrictions were gone. What had been the practical effect of all settlement laws, in all countries, from the day when our forefathers landed at Plymouth until this day? The settlement laws of France, of Spain, as well as Great Britain? Those laws granted land on condition that such and such a number of emigrants should have been collected; that such and such improvements should have been made; such and such houses erected, and clearing and cultivation accomplished. But where, or when, in what country, or at what time, have such conditions ever been complied with? They had invariably been disregarded, either from their inherent impracticability, or from a failure of power in the parent State to enforce them. And just so it would be in this case. The liberal grant of his parent Commonwealth had been intended for the benefit of the entire Union, and not of eight or nine States only. He had waited in the hope of seeing the representative of that Commonwealth upon that floor rise in his place, and solemnly enter his protest against this perversion of the munificent grant of that ancient and venerable Commonwealth, from which they had both derived their origin. But he had been disappointed. The gentleman from New York might spare his precautions; there was an end of the public lands, and of all revenue to be derived from that source.

Mr. SEVIER briefly replied, and explained, in what he had said with respect to assurances, he had referred to the language contained in that best of all the papers which had ever proceeded from General Jackson, his veto on the land bill, in which the President had said that the public domain ought to be sold at a price barely sufficient to cover the cost of survey and the expenses of the land sale. And when the Executive soon to be installed into office was inquired of with respect to his future course, his reply was, that he should follow in the steps of his illustrious predecessor. He thanked God that he was not a great man himself, for he had observed that those who were had more blighted hopes and bitter disappointents than he should ever be able to bear.

Mr. CLAY reminded the Senator from Arkansas that he had said something about assurances to be fulfilled when the parties should obtain a majority in the Senate.

Mr. SEVIER explained this to refer to assurances which he had himself given to his constituents, and to nothing else.

Mr. WALKER expressed his determination to vote for the amendment offered by Mr. TALLMADGE. He was confident that if the bill did not pass, the year 1842 would see the whole public land in the hands of speculators.

Mr. RIVES said that he was very sorry that he had disappointed the wishes and expectations of the Senator from Kentucky—wishes which he did not doubt had been entertained in all kindness to himself; but he was really at a loss to understand on what the expectations of that gentleman had been founded If he knew any thing of the sentiments and course of his predecessors, they had ever uttered their voice against all propositions which went to make the public domain a common fund, in the sense in which that Senator understood the term; that is, as a fund to be parcelled out, or to have its proceeds parcelled out, among the different States of the Union. Their vote, like his own, would ever have been given against a proposition of that kind. Whatever opinion that Senator might hold as to the course which the representatives of Virginia ought to pursue, he should be governed by his own convictions in regard to his own duty. The Senator had predicted that under the operation of this bill, and before the year 1842, the whole of the public domain would have passed out of the hands of the United States into the possession of other people; but if such would be the effect of this bill, what might be expected to be the result of the law as it now stood? In less than half that time the whole body of the public land would be in the possession of the speculators. It was the scope and intent of this bill to restrain the spirit of greedy speculation, and to preserve the public domain in the hands of the Government for the benefit of the whole people of the Union. It was this which had procured for the bill his zealous support. As to the principle of pre-emption, the Senator from Kentucky must be aware that it formed a feature of the Virginia laws, as it did in fact of those of every State in the Union. It was a principle eminently equitable. Without pretending to as intimate an acquaintance with the unfortunate class of individuals who had been treated with such great severity in the present debate, he did know that many of them at least were undeserving of the viturperation which had been cast upon them. He was personally acquainted with many of the favorite sons of Virginia, (some of them members of the late convention for revising the constitution of that State,) who were now in the wilds of the West, occupying land which belonged to the Government, and which they were ready to pay for, but which had not yet been exposed for sale. In this, how much soever it might be against the theory of the law, there was no violation of its spirit. He was well aware that, by the common law, to set one's foot on the land of their neighbor, without permission first obtained, was a trespass. If he should visit the honorable Senator from Kentucky at Ashland, it would be a trespass accord ng to the strictness of the law; yet was it so held in practice? The law which forbade the settling on lands of the United States had been passed at a period very different from the present, and on considerations which did not now apply. It had been enacted rather for the protection of the settlers than out of a jealous regard to the rights of the Government. Some of the best blood of Virginia was now in the West, and claiming protection from the representatives of that State on this floor. Their situation demanded his sympathies and respectful consideration; and it was a feeling of this kind toward worthy men, whom he personally knew, that had first convinced him of the injustice of some of the pictures which had here been presented of the class of individuals opprobiously denounced as squatters. He had risen not to discuss the bill. He was not prepared to do so.

The great consideration which induced him to advocate the bill was, to arrest the enormous surplus revenue, the mischievous effect of which was convulsing and devastating the country. And if the honorable Senator had looked at the act of Virginia, accepting her portion in the distribution of the deposites, and at the protest then raised against the exercise of such a power, he would have been at no loss for reasons why Mr. R. could not concur with him. To the policy which created such a surplus he had invariably been opposed. He had never thought that because Virginia, with whatever liberality, had bestowed her domain upon the Union, she was to play the dog in the manger, and be ever on the watch to prevent others from obtaining that which she had so freely given away. No; Virginia had never exhibited a spirit of that sort, and he trusted she would

ever remain a stranger to it. Virginia, looking to the future destinies of the country, had made it a fundamental stipulation in her deed of gift, that this territory should be erected into independent States, not less than three nor more than five. But how could we expect these States ever to populate and flourish, unless the General Government extended a paternal protection over those hardy settlers who had their habitations on our Western frontier? That was the policy of this bill, while at the same time its effect would be to diminish the surplus revenue. A conviction of this had led him to advocate the bill, nor could he have expected that such a course would have exposed him to the rebuke of the honorable Senator from Kentucky.

Mr. CLAY rejoined. He had no right to rebuke the Senator from Virginia; and though that gentleman might feel what he said as a rebuke, he had not so offered it.

Mr. C. then referred to the terms of cession, which provided that the land was to be a common fund for the benefit of all the States, Virginia inclusive, and then went on to insist that the provisions in the bill operated in practice to withhold from the citizens of Virginia advantages which it conferred on the people of the new States. On this ground it was that he had expected the protest of her representatives. The bill for the distribution of the proceeds of the public lands among the States was not under discussion; but one of the brightest, one of the best and purest of that gentleman's predecessors, and whose immediate successor he believed he was, had voted for that bill; and no one of his predecessors had ever advocated a prospective pre-emption law, a law which inflicted one of the deepest stabs on the rights of the States which had ever been perpetrated by the General Government.

The Senator advocated this bill as a measure to restrict the sales of the public land, and prevent a surplus in the Treasury; and what did it do by way of restriction? It threw open to the occupancy of pre-emptioners 180 millions of acres of land, now beyond their reach, in addition to the 120 millions now in the market.

It was true Virginia had a pre-emption law and a settlement law, but they were enacted under totally different circumstances. They were for the benefit of men who combated our then unsubdued Indian tribes, and, in making and maintaining their settlements, risked their lives; and Mr. C. now knew but a single man in Kentucky who was in the possession of land so obtained. The remarks he had thrown out had been made in perfect kindness. He did regret the course of the honorable Senator, for that gentleman and himself might be said to have a common origin; the one having his lot cast in the more ancient portion of the Commonwealth, the other in that part of it more recently settled, and since become independent; and he still regretted that he did not enjoy the advantage of the distinguished talents and great influence of that Senator in resisting schemes which he deemed to be wild and delusive.

Mr. RIVES made a brief reply, and referred to one of his predecessors who had incurred a similar rebuke from the same source, and on a like account, four or five years ago. He denied that the bill excluded Virginia from an equal participation with other States, in the enjoyment and advantages of the public lands. Her citizens could obtain portions of the public domain by cultivation, without a personal residence. As to the extending of the right of pre-emption to 180,000,000 acres, in addition to the 120,000,000 already in market, it was but an instance of that exaggeration which had too much characterized the present debate. Where was the honorable Senator going to get a sufficient army of pre-emptioners to invade and seize upon these 180,000,000 acres at a quarter of a section apiece? Statements of this kind were calculated to frighten the imagination, but they never should frighten him from the course of his public duty.

Mr. MORRIS asked leave to lay an amendment on the table, which he proposed to offer as a substitute for the bill as amended by the committee; which was granted, and it was ordered to be printed.

Mr. MORRIS then moved that the Senate adjourn; which motion was rejected: Yeas 20, nays 26, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Southard, Swift, Tipton, Tomlinson, Wall, Webster—20.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, White, Wright—26.

The question was then taken on agreeing to the amendment as reported by the Committee on Public Lands, as amended, and decided in the affirmative: Yeas 26, nays 19, as follows:

YEAS—Messrs. Benton, Black, Brown, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Tallmadge, Walker, White, Wright—26.

NAYS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Kent, Knight, Morris, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tipton, Tomlinson, Wall, Webster—19.

The bill was then reported to the Senate as amended; and, on motion of Mr. CLAY, it was ordered to be printed as amended.

The Senate then adjourned.

WEDNESDAY, FEBRUARY 1.

LAND FRAUDS.

The resolution, formerly offered by Mr. NICHOLAS, calling on the Secretary of the Treasury for information obtained by special agents in relation to alleged frauds on the public lands in the State of Louisiana, being under consideration—

Mr. CLAY proposed to amend the resolution by striking out Louisiana, and extending the inquiry to all the States and Territories.

Mr. NICHOLAS had no objection to a general inquiry; but, as a particular charge of fraud had been made in relation to his own State, and as he was desirous to protect its citizens against all unjust and injurious charges, he would prefer that his resolution should remain distinct from any resolution for a general inquiry.

Mr. EWING, of Ohio, said he hoped the Senator would at least permit his resolution to be so far amended as to call for a return of the papers on which charges in relation to citizens of Louisiana had been made at the last session, which papers had been returned from the Senate to the Department.

Mr. NICHOLAS intimated his belief that those charges were, to a considerable extent, founded on anonymous letters.

Mr. EWING said he had not depended on such letters. The principal letter on which the charges were founded was from the district attorney for the western district of Louisiana; and he claimed it as an act of justice to all, that the same papers on which charges were made at the last session should again be brought before the Senate, that the report on the subject might contain the information on which charges were founded.

Mr. LINN inquired whether individuals who might be implicated would have an opportunity to rebut the charges of fraud which might be brought against them.

Mr. SEVIER spoke at some length against sending out special agents at all to inquire into cases which had been long considered as settled. It hindered the issuing of land patents, and was highly injurious to innocent persons. He was opposed to every kind of reinvestigation on this subject.

Mr. CLAY offered his amendment, which was adopted, for instituting a general investigation, as an addition to Mr. NICHOLAS's resolution.

On motion of Mr. EWING, the resolution of Mr. NICHOLAS was amended so as to call on the Secretary of the Treasury for information otherwise obtained, as well as by special agents.

The resolution, as amended, was then adopted.

PUBLIC LANDS.

The bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities, was taken up as the special order, the amendments made in committee having been agreed to yesterday, and the bill reported to the Senate.

Mr. NORVELL moved an amendment to the fourth section of the bill, providing that it shall not be construed so as to affect the selections of land which have been or may be made for the salt springs belonging to Michigan.

Mr. WALKER did not consider that the amendment was at all necessary, for the provisions of the bill covered what the Senator was desirous of accomplishing.

The amendment was agreed to.

Mr. BROWN moved an amendment to the fourth section, making it retrospective in its character in regard to pre-emption settlement.

Mr. B. said he offered this amendment with a view to obviate the objection entertained by some gentlemen that the section, as it stood, would hold out a sort of bounty to persons residing in the old States to emigrate to the West. Now, should the amendment prevail, no such temptation would be held out as under the existing section.

Mr. RUGGLES moved to amend the amendment so as to confine the operations of pre-emptions to settlemen's prior to the 1st of December, 1836.

Mr. BROWN accepted the modification; and

The question was then taken on the amendment as amended, and it was adopted by the following vote:

YEAS—Messrs. Bayard, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, McKean, Morris, Niles, Page, Prentiss, Preston, Rives, Robbins, Ruggles, Swift, Tallmadge, Tomlinson, Wall, Webster, White--30.

NAYS—Messrs. Benton, Black, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Lyon, Moore, Nicholas, Norvell, Robinson, Sevier, Tipton, Walker, Wright—17.

Mr. EWING, of Ohio, submitted an amendment to compel the individual entering a pre-emption to occupy and cultivate his land six months previous to such pre-emption.

Mr. WALKER disapproved of the proposed amendment, and said if the amendment of the gentleman from Ohio should prevail, he would vote against the bill.

Mr. EWING, of Ohio, said that, according to the bill, as it was, a man had nothing to do but to remain a day or two on the land to entitle him to a settlement.

Mr. BROWN said, almost every gentleman seemed to think that some bill should pass. Now, if this amendment prevailed, the bill would be greatly impaired in the estimation of many Senators. The gentleman from Ohio was mistaken in saying that the bill required a mere temporary residence; it required not only occupancy, but cultivation also.

Mr. WALKER hoped that the amendment of the gentleman from North Carolina would prevail; if not, a principle would be introduced in the bill which ought not to find its way there. Such a principle could not be found in any bill heretofore passed of this character. If, then, this new principle should be inserted, he was prepared to abandon the bill; and he would ask for the yeas and nays.

Mr. CLAY said that, if the Senator from Mississippi should vote against the bill, as he threatened to do, it would be no great calamity. As for himself, he would vote against it if no one else did. What! would it be pretended by any Senator, that a man, by remaining a day upon the public lands, should be entitled to pre-emption? Was that the right upon which gentlemen would grant the right of pre-emption? No; actual cultivation and possession was necessary; this was the practical operation of the pre-emption laws which had heretofore been passed. This requirement should be insisted upon by the present bill; and the requirement proposed to be inserted in the bill, of a six months' residence, was only, he repeated, carrying out the intention of the old pre-emption laws.

Mr. RUGGLES remarked that he was desirous that a bill should pass restricting the lands to actual settlers, but he considered three months would be long enough.

The question was taken on the adoption of the amendment, and it was carried.

Mr. RUGGLES moved to strike out "six," and insert "three;" which was lost.

The debate was continued by Messrs. BAYARD, NILES, CRITTENDEN, BROWN, CALHOUN, and PRESTON, when

Mr. WALKER moved a reconsideration of the vote on the motion of the Senator from Maine, to insert "three" instead of "six," and asked for the yeas and nays; which being taken, were: Yeas 28, nays 18.

So the vote was reconsidered; and,

On taking the question on Mr. RUGGLES's motion to strike out "six," and insert "three," it was agreed to.

On motion of Mr. RUGGLES, the bill was amended so as to require an actual occupation and cultivation of the tract three months prior to the entry of a pre-emption.

Mr. MORRIS moved to amend the bill by adding a clause requiring the individual purchasing on a pre-emption to have erected a dwelling-house on the land, and to have resided therein the term of three months.

Mr. CALHOUN asked for the yeas and nays; which were ordered.

Mr. SEVIER moved to lay the bill and amendments on the table, and asked for the yeas and nays on the question; which being ordered, the question was decided in the negative, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Sevier, Southard, Swift, Tomlinson, Webster—20.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Ruggles, Strange, Tallmadge, Walker, Wall, White, Wright—26.

Mr. MOORE moved that the Senate adjourn; which motion was rejected: Yeas 20, nays 25, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Wall, Webster--20.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, White, Wright—25.

After some remarks from Messrs. MORRIS, BAYARD, WALKER, EWING of Ohio, and EWING of Illinois, the amendment of Mr. MORRIS was rejected: Yeas 21, nays 25, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Alabama, King of Georgia, Knight, Morris, Prentiss, Preston, Robbins, Ruggles, Southard, Tomlinson, Wall, Webster, White--21.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Swift, Tallmadge, Walker, Wright--25.

Mr. NORVELL moved to amend the bill by providing that the restriction which confines the benefits of this act to citizens of the United States shall apply only to the pre-emption system.

Mr. N. observed that the section, as it now stands, was the adoption of a policy never before known in the United States in the sales of the public lands.

After some words from Mr. LINN in favor of the amendment,

Mr. NORVELL said that if he had thought that the motion would prevail, he would have moved to strike out the ninth section altogether, as it ought not to be in the bill at all.

Mr. WEBSTER asked if it was the intention of the Senate, in a bill giving so great a bounty as this bill, to extend it to every man in England, France, and Ireland? Would they extend the privilege of entering lands for their children to fathers in foreign countries, when the friends of the bill, with so much reluctance, consented that it should be extended to those in the old States?

Mr. W. moved to amend the ninth section, so as to restrict the privileges of pre-emption and settlement for children, to citizens of the United States; which was agreed to.

The question was then taken on Mr. NORVELL's motion to strike out the ninth section; which was rejected: Yeas 9, nays 22, as follows:

YEAS—Messrs. Benton, Brown, Hendricks, Linn, Lyon, Norvell, Robinson, Sevier, Walker—9.

NAYS—Messrs. Bayard, Black, Calhoun, Clayton, Crittenden, Dana, Davis, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Moore, Morris, Nicholas, Niles, Page, Prentiss, Preston, Rives, Robbins, Ruggles, Southard, Swift, Tallmadge, Tomlinson, Webster, White, Wright—32.

Mr. RUGGLES moved to strike the 8th section from the bill. [This is the section permitting fathers in the old States, or mothers, in case the fathers are dead, to enter a section of land for the benefit of minor children.]

Mr. HUBBARD called for the yeas and nays on the question, which were ordered; and after some remarks from Mr. RUGGLES, the motion was rejected: Yeas 12, nays 26, as follows:

YEAS—Messrs. Benton, Black, Fulton, King of Alabama, Linn, Moore, Morris, Niles, Page, Ruggles, Sevier, Wright—12.

NAYS—Messrs. Bayard, Brown, Clayton, Crittenden, Dana, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, King of Georgia, Nicholas, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Southard, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White—26.

Mr. MOORE moved to amend the bill by reducing the price of all lands that have been in the market ten years to one dollar per acre; and all lands that have been in the market fifteen years to seventy-five cents per acre.

Mr. MORRIS here moved that the Senate adjourn; which was carried: Yeas 20, nays 19; and

The Senate adjourned.

THURSDAY, FEBRUARY 2.

Mr. NICHOLAS presented the credentials of the Hon. ALEXANDER MOUTON, Senator elect from the State of Louisiana, vice Mr. PORTER, resigned.

Mr. MOUTON then appeared, was qualified, and took his seat.

COPY-RIGHTS TO FOREIGNERS.

Mr. CLAY said that he begged leave to present to the Senate a memoir or address from certain living authors of Great Britain. Among the subscribers to it would be recognised some of the most distinguished names in the literary world—names (said he) with which we have been long familiar, and whose admirable productions have often instructed and delighted us all. They represent that, owing to the want of legal protection in the United States, they are deprived of the benefit here of their literary property; that their works are published without any compensation being made to them for their copy-rights; that they are frequently altered and mutilated, so as to affect injuriously their reputations; and that an arrangement which they, or some of them, had made with booksellers in the United States, to secure a fair and just remuneration for their labors, had been defeated by the practice of other American booksellers. They therefore request the passage of a law, by which their right of property may be protected.

I am quite sure, Mr. President, (continued Mr. CLAY,) that I need not say one word to commend this address to the attentive and friendly consideration of the Senate, and every member of it. Of all classes of our fellow-beings, there is none that has a better right than that of authors and inventors, to the kindness, the sympathy, and the protection of the Government. And surely nothing can be more reasonable than that they should be allowed to enjoy, without interruption, for a limited time, the property created by their own genius. Unfortunately, but too often dependent upon that alone, if they are deprived of it, they are bereft of the means of subsistence. The signers of this address may, with more confidence, indulge the hope of the passage of the law which they solicit, from the consideration that, according to the liberality of the British practice, the security of copy-right is not restricted to British subjects, but is equally enjoyed by foreigners. And I understand that there are instances of American authors who have availed themselves of it.

Mr. President, when we reflect what important parts of the great republic of letters the United States and Great Britain are, and consider their common origin, common language, and similarity of institutions, and of habits of reading, there seems to me to be every motive for reciprocating between the two countries the security of copy-rights. Indeed, I do not see any ground of just objection, either in the constitution or in sound policy, to the passage of a law tendering to all foreign nations reciprocal security for literary property.

Mr. C., in conclusion, moved that the memorial be printed, and referred to the Committee on the Library.

Mr. PRESTON said he had no doubt of the general propriety of the direction proposed to be given to the memorial; all subjects of this kind were properly brought before the Library Committee. But the subject was one of some difficulty; there was a large and meritorious class of authors in this country, who had a direct interest in securing to the authors of Great Britain the copy-right to their works, because copies of these works were sold without the expense of a copy-right, and thus came in free and injurious competition with the works of American authors. But, then, publishers had an opposite interest, to seize upon foreign works without price, and republish them. The consequence was, that the labor of foreign authors was converted to

the use of publishers here, who often sent into the market a most despicable article in point of execution, entirely unworthy of the state of the arts in this country. Publishers, therefore, had arrayed themselves against the object of this memorial; and the subject, therefore, resolved itself into a complicated question of free trade and protection of the mechanical arts, with which is numbered the art of printing. On this subject Mr. P. was not now prepared to decide. They had two authors to our one, and were, therefore, more interested in the protection of mental labor; while we published three or four books to their one, and were, therefore, more interested in protecting publishers. Mr. P. was understood to suggest that the subject ought to go to the Judiciary Committee.

Mr. GRUNDY remarked that the Judiciary Committee had already as much before them as they could properly perform, and it was therefore impossible for them to give this subject that attention which was due to its intrinsic merits. He therefore moved that the memorial be referred to a select committee of five, expressing the desire that he might be excused from serving on such committee.

Mr. CALHOUN said he was aware that the interest of booksellers in the United States was adverse to the object of this memorial; but he did not suppose that it was of a character or nature such as required its rejection. The works for which copy-rights would be secured in this country constituted but a small portion of the entire literature of Great Britain or this country; and of the works of the distinguished names on this memorial, the copy-right of a great portion had expired, which was, therefore, subject to free publication; and perhaps it would not be thought proper to revive the right in this country. By several living foreign authors, an attempt had been made to secure their property in this country, by designating the booksellers in the United States by whom alone their works were to be published. The attempt, however, proved impracticable, for other booksellers also published their works without license, so as entirely to deprive them of the benefits of such property in this country. Mr. C. thought the proper committee was that on the Judiciary, though he would not object to a select committee.

Mr. BUCHANAN said when this question came to be considered it would be a vexed and difficult question. He would not discuss it now, but he saw an interest involved far beyond that of publishers, to whose interest he would pay a smaller regard; and that was the interest of the reading people of the United States. Cheap editions of foreign works were now published and sent all over the country so as to be within the reach of every individual; and the effect of granting copy-rights asked for by this memorial would be, that the authors who were anxious to have their works appear in a more expensive form would prevent the issuing of these cheap editions; so that the amount of republications of British works in this country, he thought, would be at once reduced to one half. But to live in fame was as great a stimulus to authors as pecuniary gain; and the question ought to be considered, whether they would not lose as much of fame by the measure asked for, as they would gain in money. It was especially well worthy of the committee to go beyond publishers, and ascertain what would be the effect on the acquisition of knowledge in this vast country.

Mr. GRUNDY's motion to refer the memorial to a special committee was then carried; and the Chair appointed Messrs. CLAY, PRESTON, BUCHANAN, WEBSTER, and EWING of Ohio, to compose the committee.

PUBLIC LANDS.

The President having announced the special order of the day, being the bill limiting the sales of the public lands, and having stated the question to be on the following sections, moved by Mr. MOORE, as amendments to the bill:

"*And be it further enacted*, That all lands which have been offered for sale twenty or more years, and remain unsold, shall hereafter be sold at fifty cents per acre; all lands which have been offered fifteen or more years, and less than twenty years, shall be hereafter sold at seventy-five cents per acre; and all lands which have been offered ten or more years, and less than fifteen years, shall hereafter be sold at one dollar per acre: *Provided*, That not more than one hundred and sixty acres shall be sold to any one purchaser, nor to any other than actual settlers, at such reduced prices.

"*And be it further enacted*, That any person who shall make the necessary proof, as required by the fourth section of this bill, that he has occupied or cultivated any portion of the public lands subject to entry at private sale, such person shall have the pre-emptive right in the purchase of one quarter section, to include the land so occupied or cultivated, at one dollar per acre."

Mr. MOORE addressed the Senate as follows:

Mr. President: When I had the honor to present to the Senate last evening the amendments now under its consideration, I said great injustice had been done that class of our fellow-citizens who first emigrate and take possession of the public domain, by that severe denunciation that had been so liberally dealt out against them from several quarters upon this floor. Having been an early emigrant myself to the section of country in which I reside, and having some knowledge of the character of the many privations which those with whom I have been associated had to encounter, and which are common with all early emigrants to a new country, it was natural that my sympathies and sensibilities should be excited. But, sir, I am well aware these missiles and censure were not thrown particularly at Alabama; and as they have been met and replied to by others, I shall endeavor only to give a brief explanation of the operation of former pre-emption laws, as relates to the State of Alabama.

Sir, the only pre-emption law in that long catalogue brought to view by the Senator from Missouri [Mr. BENTON] in which any portion of the citizens of this State have had any interest, is the law of May, 1830, which was limited in its operation to one year only; and the act of June, 1834, which re-enacted the provisions of the law of 1830, and continued its operation for two years.

These laws have had an application in one or two counties only in the whole State of Alabama; and, in truth, it may be said that the citizens in but one county have been benefited to any considerable extent. These citizens, although not in affluence, are as honest, as worthy, and respectable, as the population in any other quarter.

And what, let me ask, is the character of the boon presented by the pre-emption laws to which I have referred? The only advantage has been the protection it gave the poor man from a competition with the more wealthy land speculator in the purchase of his little home, one quarter section, which had been made valuable only by means of his own labor bestowed upon it.

Sir, it is due to my constituents that I should state one fact, which is much to their credit and honor, which is this: I have never heard of any attempt to perfect titles under these pre-emption laws by a resort to "corruption, perjury, subornation of perjury, or other improper means," about which we have heard so much as having occurred in other quarters.

There is another fact which I take great pleasure in bringing to the view of the Senate. This very county of

Jackson, which has enjoyed greater benefit from the pre-emption laws than any other, has also furnished a greater number of soldiers for the defence of the State than any other county; she has now (unless they have recently returned) about four hundred of her brave and patriotic citizens, breasting the perils of the Indian war in Florida, and, what I fear is more appalling to them than the dangers of war, the unhealthy climate which is the scene of their operations.

These are volunteers, not draughted men. As soon as the call for men was made known, more volunteered than were required; and, in this county, I have heard it said that, "if any draught should ever be resorted to, it would be a draught to see who should stay at home."

But it has been intimated by the honorable Senator from Georgia [Mr. KING] that this class of our fellow-citizens have, by their disorderly and criminal deportment, provoked the Indian wars in which the Government has been and yet is involved.

Mr. President, as regards the Black Hawk war, I know nothing, and therefore I say nothing; but, sir, as relates to the Indian war in the South, I think I hazard nothing in saying this can be traced to a different origin; this has originated from the manner in which your Indian treaties have been made, and the bad faith, yes, sir, the bad faith, in which their requirements have been executed. One circumstance which has contributed greatly in exciting that ill-blood which finally resulted in open depredations on the part of the Indians, has been the countenance given to the most gross and flagrant frauds practised upon them by unprincipled land speculators, in the pretended purchase of their reservations. And, sir, I think I may assume the responsibility of saying that some of the constituents of the Senator from Georgia participated largely in these speculations. Well, sir, the war having been brought about by the means to which I have referred, who, except that very class of our fellow-citizens, so much abused, to whom the opprobrious epithet of "squatters" has been applied, first shouldered their muskets to do the fighting? The silk-and-purple gentry, unless they can be so fortunate as to obtain the command of a regiment or battalion, find it more convenient to enjoy their ease upon their cotton farm. If they contribute any thing, it is by way of substitute; their person is too sacred to be exposed to the cruel hardships of a campaign; they therefore do all their fighting by substitute. Yes, sir, although this "traduced class" do not, as has been charged, originate the war, they are truly active and principal agents in bringing it to a close.

But it has been alleged by the honorable Senator "that they pay no taxes to the Government," &c. Now, sir, I demand to know if this be so? I desire to know of the Senator from Georgia [Mr. KING] whether the tax imposed by the tariff does not operate upon this class of our fellow-citizens as well as any other? By what means are they exempted from its influence? Sir, does not the poor man pay a tax for the hat upon his head, the coat (although it may be a coarse one) upon his back, and the shoes upon his feet? Is he not required to pay a tax for the plough and weeding hoe, the axe, and other farming utensils with which he cultivates his little cornfield? The sugar with which he sweetens his coffee, and the salt that is put in his bread? Yes, sir, he pays a tax almost for every thing he and his family either eat or wear; and this is not all, for he is taxed for the very last nail that is driven in his coffin, or the coffin made for any branch of his family. And yet we are to be told that "they pay no tax!" I am willing to admit that they may not pay as much in amount as the man who wears a beaver hat, a broadcloth cloak, a ruffle shirt, and silk stockings, and who uses his wines and other luxuries; yet I will venture the assertion that the tax paid by the poor man, who may have a large family to support, falls as heavy and is as oppressive upon him as the tax paid by any other class of the community.

Well, now, a few words as regards the amendment submitted for the consideration of the Senate. Its operation is confined to lands that have been in market for ten, fifteen, and twenty years, and which the Government has not been able to sell at the minimum price, and which, I hesitate not to say, will never be sold unless the price be reduced. This provision will enure mainly to the benefit of that class for whom it is more imperiously our duty to legislate; those in indigent circumstances, who have heretofore been driven out of the public land market, by the wealthy, the capitalist, and land speculator; for, sir, it cannot be disguised that these have heretofore possessed themselves of all the most valuable, rich, and fertile lands, to the entire exclusion of those who have been unable to compete with them. And now, when they have picked and culled it over and over again, until nothing remains but the refuse lands, which they will not purchase, but which a poor man is both willing and able to purchase at its fair value, you refuse, and unreasonably insist that this is worth as much as you sell the cotton and sugar land and best Mississippi low grounds for. This policy is as inconsistent as it is adverse to the interest of the new States.

What, let me ask, would be the course of an intelligent individual, under similar circumstances, who, having obtained a large quantity of public lands, and having sold out the best at the highest price it would command, would hold up the refuse with the view of obtaining the same price for this? What has been the practice of every State in the Union which has sold its public lands? Have they dot reduced the price according to its quality? And what would be the course of any other individual who might put in market any other commodity? Suppose he be a tobacco planter, or a flour merchant: would either of these, having made sale of all the prime, think of holding up the ground leaf tobacco, or the old and sour flour, with any reasonable hope of ever obtaining the same price for this? Or would he not reduce the price of this article to its fair market value? This, it seems to me, would be the dictate of prudence and common sense.

But, sir, we claim, and with great propriety, too, a reduction, upon the ground and principle upon which you have reduced the tariff, in order to reduce the amount of surplus revenue, and to bring down the rate of taxation to the actual, economical wants of the Government. The public domain is the article in which the people of the new States deal mostly; and while you have extended a scale of reduction to every other article of consumption, this has been left, alone, untouched, at its original high price—a price fixed when the Government had a large public debt unliquidated, for the payment of which the public domain was pledged. This pledge is now redeemed, and the citizens of the new States have the right to demand a reduction in the price of the public domain in a ratio corresponding with that applied by the tariff to other articles.

But there are other and higher considerations which should influence gentlemen in the support of this measure. The citizens of the new States, although they pay their equal proportion of the tax collected, have no interest in the large appropriations of thousands and millions that are made annually out of the public treasure for harbors, fortifications, breakwaters, forts, &c., on the seaboard. This amendment also proposes to place the means in the hands of thousands of our fellow-citizens to become freeholders, and thus increase their pride and independence, their attachment to the soil and to the Government, and at the same time remove that odious relation that exists between landlord and tenant.

But some gentlemen have argued in opposition to this measure, as if it were confined in its operation alone to the citizens of the new States, and as if the citizens of no other State had any interest in the matter whatever. But gentlemen should recollect that the population of the new States is composed of the good people from every other State in this Union, and that emigrants from every quarter are to participate in the wholesome provisions proposed to be incorporated in this bill.

Sir, I was surprised to hear the honorable Senator from Delaware [Mr. BAYARD] repudiate these enactments because they hold out extravagant inducement to emigration from the old to the new States. And I would submit it to the honorable Senator whether this is not a very contracted view of the subject; and whether it is not our duty to legislate here upon the broad principle of promoting the interest and prosperity of all; and whether he does justice to his constituents in withholding his support to the project on account of the extravagant advantages it tenders them for emigration. And ought not the State he so ably represented be willing to part with that portion of her population who, seeing the avenue opened wide for the improvement of their fortunes in the West and Southwest, feel desirous of availing themselves of it? And ought he not rather to be inclined to lend his aid in giving them encouragement than to impede their progress? What, suppose some rich landlord lose a tenant, and some of the manufactories some of their hands, who labor for a mere pittance for support, when, by emigration to the new States, they become independent freeholders and landlords themselves.

Sir, I will repeat what I intimated on a former occasion, that the people of the new States have a right to appeal to the justice of the majority on this floor and in the other branch of the National Legislature, who are now dominant, and hold the power, for their aid in support of this measure. They have done much for the administration, and particularly has Alabama done every thing, and more than could have been expected; she has sacrificed her feelings and her principles; her citizens have sacrificed their attachment for an individual pure and spotless, whose deportment either in the private walks of life or the public councils of his country no honorable man will dare assail or impeach. Yet they have sacrificed their attachment for him, their neighbor, their friend, to gratify General Jackson. And I think I have the right now, in behalf of my constituents, to make the appeal to the friends of the administration for aid in favor of a measure more intimately connected with their interest than any other provision of this bill.

Now, sir, one word more as to the other amendment proposed as an additional section to the bill. Mr. President, the provisions embraced by this are so obviously just and proper, that I cannot anticipate opposition from any quarter. In this there is no principle the propriety of which will be considered doubtful by gentlemen coming from either the old or new States.

It will be seen that this amendment proposes to secure to an individual the pre-emptive right in the purchase of one quarter section, that he has improved and cultivated, at one dollar per acre, of the land subject to be entered at private sale at one dollar and twenty-five cents per acre. This will be of little or no service to other new States, which will enjoy a more important advantage from that section in the bill which secures to occupants the right of pre-emption in the purchase of the best lands in the country. But, as regards Alabama, these golden days have passed; the good lands have long since been sold. I have known many worthy and respectable citizens who had made improvements upon the public lands, who were able to give from five to ten, fifteen, and twenty dollars per acre; yet were unable to secure their homes—were turned out and driven off by the capitalist and land speculator, under the auction system, being unprotected at that time by any pre-emption law.

This amendment would be viewed as a modest proposition, compared with other features in the bill, and I hope it will receive the favorable consideration of the Senate.

[Mr. KING, of Georgia, in a subsequent stage in the debate, having submitted two amendments to the bill, viz: one requiring "that the applicant for a pre-emption shall make oath before the register and receiver that he has not received the benefit of any pre-emption law heretofore passed by the Congress of the United States;" and the other providing "that no pre-emption shall be granted to lands from which the Indians had not been removed at the commencement of such occupancy"—]

Mr. MOORE said he had already declared that the interest which the State of Alabama would have in this law, compared with that which other new States and Territories would enjoy, was very inconsiderable. Yet he had given the bill his hearty support, from principle. He was willing to do justice to other citizens, the early emigrants, in whatever quarter they may be located. But now the honorable Senator from Georgia [Mr. KING] proposes so to modify the bill as to destroy even that small interest which the State from which he came might claim to have, and to exclude his constituents from any participation in its wholesome provisions whatever.

Mr. M. solemnly protested against the adoption of any such amendment; he hoped the Senate would not gratify the Senator from Georgia in effecting such manifest injustice to the citizens of his State.

That Senator had again renewed his unwarranted denunciations against that meritorious class of our fellow-citizens, whom he again reproaches by calling them "professional squatters;" and by this amendment proposes to break up and destroy what he is pleased to call "their profession and livelihood." And, sir, he is desirous also to put an end to the improper treatment and cruelty with which "the poor Indians" have been made to suffer, and are liable to be treated, by these early emigrants, many of whom he has intimated "have left Georgia because they were no better than they ought to be."

Mr. M. said he would not vouch for the correct deportment of the people of Georgia in any manner; but, for the consolation of the Senator from Georgia, he would inform him that the salubrious climate of Alabama had a most happy influence upon those who emigrated from that quarter; as soon as they crossed the line and became acclimated, they then cease to be "professional squatters," and become honest and respectable citizens, and were worthy the protection this bill proposes to give them.

But if the Senator succeeds in his proposed amendment, his (Mr. M's) constituents, few as they were, who have obtained any pre-emption under any former law, are now to be excluded from any benefit or protection given by the pre-emption clause in this bill, and left entirely at the tender mercies of the land speculator.

Now, sir, where is the propriety of this? Where the propriety of excluding a poor man from a pre-emption under this law, merely because he has been compelled to make sale of his land heretofore paid for, in order to improve his condition and provide more effectually for the permanent prosperity of his family? Sir, the gentleman can with much more propriety change the character of his amendment, by modifying it in such manner as to exclude and render the land speculator incompetent, instead of the pre-emptioner, to purchase in any future sale; and with such a modification Mr. M. would vote for it.

Again: another portion of his constituents were to be

made step-children of and excluded from the provisions of this law, because they have made their settlements before the Indians are removed from the territory they have sold. And the gentleman had stated correctly when he said his amendments would only apply to that portion of country recently acquired from the Cherokees, situated in the State of Alabama. And he would inform that Senator that, small as "this slip" of country was, the General Assembly had organized three new counties out of it, which were settled by honest and respectable citizens, in every manner worthy the favorable consideration of Congress. The treaty had been ratified long since; many had gone there since the purchase and since the ratification; and yet the Indians are not removed, and no one can tell precisely when they will be entirely removed. The people, nevertheless, are subject to all the restraints, responsibilities, payment of taxes, &c., in the same manner that others are in any other part of the State, and were entitled to equal participation in the important provisions of this bill.

But Mr. M. said he had felt the peculiar force of that argument of the Senator from Georgia resulting from his tender sympathies and compassion for the poor Indians, which inspired his bosom with such a strong and laudable desire to put a stop to those cruelties heretofore practised upon them.

Mr. M. thought, looking to the history of the times, and reviewing the legislative action of the State of Georgia, (prompted, doubtless, by none other than the most tender and humane considerations for the poor Indians, for whom the Senator would make us believe he also feels much sympathy,) that such arguments came with very bad grace from that quarter. That Georgia should feel more than other States for the welfare of the Indians, and that her delegation should be disposed to withhold from honest occupants pre-emption rights in the purchase of the public lands, lest encouragement should be given to improper treatment to the poor Indians, was among the very last arguments he had supposed the Senator from Georgia would have resorted to in support of his proposition.

When Mr. MOORE concluded,

The question was taken on the adoption of the amendment by yeas and nays, and it was rejected: Yeas 16, nays 23.

The question then recurred on the adoption of the second clause of the proposed amendment; which was, "that any person who has resided on and purchased land at one dollar and twenty-five cents per acre, during the year 1836, and who shall be in possession of such land at the passage of this act, shall be allowed to enter one quarter section until 1838, provided he shall have proved his right before July next, before the register and receiver of the proper land office."

The amendment was negatived by a vote of 27 to 15.

Mr. WHITE said he was not satisfied with the bill in its present shape, nor did he know that any amendment could be offered to it which would reconcile him to its provisions. He had voted with the friends of the bill as far as he could, in order that it might be so amended as to meet with the approval of a majority of the Senate. Mr. W. proceeded to examine and comment on the provisions of the bill.

He went on to say the bill was partial in its character, for it gave a preference to one portion of society over another in the purchase of the public lands. He argued that the bill in its present shape went to change the whole land system of the country, and excluded from becoming purchasers the great mass of society, in order to induce more emigration to the West. According to this bill, persons might obtain land, and that, too, without intending to become occupiers of it. Now, he thought it was not sound policy to do this; nor could any good reason be given why it should be done. If the bill was to remain in its present form, he could not consent to give his vote for it. Yet he must confess that he should regret, after the subject had been so long under consideration, if nothing were done that would prove beneficial to the new States, while at the same time no injustice should be perpetrated against the old. With regard to the large amount of revenue which had been derived from the sales of the public lands during the past year, he would tell gentlemen how it happened to be so much greater than at any former time. Why, a short time before the Indian title had been extinguished, a large portion of the finest lands were brought into the market; and the consequence was, that almost every man who wished to procure some of them, and yet not having the means, obtained accommodation at the banks, and then purchased. Afterwards, they sold to great advantage, and repaid what they borrowed. And this had been the course pursued in regard to the public lands, which some gentlemen might call "speculating." Now, the moment the money deposited with the States should be withdrawn, an end would be put to this state of things. In fact, even at this time, the best lands in the South and Southwest were gone; and yet Congress was about to legislate to prevent speculation and preserve the public lands! After some further remarks, Mr. W. observed, let justice be done to the new States; but let no radical change be made in the laws, unless gentlemen were quite sure that that change was made upon a principle which the people of the whole Union would approve of. If that course were not pursued, the result might be that two parties would be gotten up, of the old States on one side, and the new on the other, and then no man could foretell what would happen to the liberties and prosperity of the confederacy. If the amendment he proposed to offer should be adopted, our land system would be preserved, while, at the same time, it would prevent, as much as any scheme could, the frauds known to be committed, as regarded the public lands. Mr. W. concluded his remarks by offering the following, as a substitute for the amendment reported by the Committee on the Public Lands:

Strike out all after the enacting clause, and insert the following:

"That every settler or occupant of the public lands prior to the passage of this act, who was in possession on the first day of December last, and cultivated any part thereof in the year eighteen hundred and thirty-six, shall be entitled to all the benefits and privileges provided by an act entitled 'Act to grant pre-emption rights to settlers on the public lands,' approved May twenty-ninth, eighteen hundred and thirty; and the said act is hereby revived, and shall continue in force one year: *Provided*, That, where more than one person may have settled upon and cultivated any one quarter section of land, each one of them shall have an equal share or interest in the same quarter section, but shall have no claim to any other land: *And provided, always*, That the provisions of this act shall not extend to any person who made his settlement or occupancy before the extinguishment of the Indian title to the land on which he settled, or to which he claims a right of occupancy.

"SEC. 2. *And be it further enacted*, That in cases where individuals were entitled to the benefits of the pre-emption act of June, eighteen hundred and thirty-four, and were deprived of said rights by the location of Indian reservations having been placed on their improvements, after such settlements were made, the persons having been so entitled shall be allowed to enter one quarter section of any of the public lands (not reserved from sale) in the State in which such persons resided: *Provided*, That such persons shall produce satisfactory proof before the proper land officers, and make their

selections of said quarter sections, before the first day of June next.

"SEC. 3. *And be it further enacted*, That all lands which have been offered for sale twenty or more years, and remain unsold, shall hereafter be sold at fifty cents per acre; all lands which have been offered fifteen or more years, and less than twenty years, shall be hereafter sold at seventy-five cents per acre; and all lands which have been offered ten or more years, and less than fifteen years, shall hereafter be sold at one dollar per acre: *Provided*, That not more than one hundred and sixty acres shall be sold to any one purchaser, nor to any other than actual settlers, at such reduced prices.

"SEC. 4. *And be it further enacted*, That the consent of the United States shall be, and hereby is, given to the States within which the public lands are situate, to impose and levy a tax on all lands which may hereafter be sold by the United States within their respective limits."

Mr. SEVIER demanded the yeas and nays on this amendment, and they were ordered.

Mr. WALKER opposed the amendment, as likely to insure the defeat of the bill, inasmuch as there were the most decided indications of a settled majority in the Senate opposed to the graduation principle. He argued to show that the principle of taxation had proved insufficient to keep down speculation; and, as to the pre-emption clause, it was so little better than the present system as to confer no valuable boon on the new States.

Mr. SEVIER said: I am glad that the Senator from Tennessee has offered this amendment. I shall vote for it; and I ask if there is a single Senator representing one of the new States who will vote against it? Would any such Senator vote against the right of pre-emption, if that stood alone in the bill? Or if the principle of graduation stood alone, would any Western Senator vote against it? Not one. Or if the bill contained only the provision for the taxation of land as soon as it is entered, is there one who would vote against it? I am sure there is none. Now, here are these three great features of graduation, pre-emption, and taxation—the three chief objects of desire to Western men—all united in this amendment. We all know that one or the other of these principles must be in any land bill brought forward here, or it would not be discussed for a single hour. There is not a Senator from any one of the new States who dare vote for a bill that did not contain one or more of them. But here is a bill that contains them all. As to the provision in the bill from the committee to restrain the sales of the public land, it is all nonsense. Has not the President of the United States the power of restriction in his own hands? Has not the incumbent now in office had that power at any time he chose to use it? And will not his successor have the same? He can withhold the lands from sale whenever he pleases. They cannot be brought into market but by his proclamation. But the truth is, he has never offered them fast enough for our prosperity in the West. We have had to petition him again and again, before he would do it. If the great objection is, that the money for the new lands comes too fast into the Treasury, the President can stop the sales at pleasure. No proclamation, no sale. The graduation principle has been struck out of the bill; and, without that principle, dare any Senator from the new States to vote in favor of it? You know they dare not. But here, as I said, is a bill which contains the three principal things we have been endeavoring to obtain. For my part, if I cannot get all three, I will take two; and if I cannot get two, I will take one. This restriction was put into the land bill to get it friends; but, when we lost the graduation principle, I was then against the bill. Then it was proposed to provide for a perpetual pre-emption. As long as that was in the bill, I went for it; but when that too was stricken out, I was against it. As the bill stands, the cases of those who have settled on lands since last December are not reached. The bill gives pre emption only to the emigrants between June, 1834, and December, 1836. Is that the great boon that you offer us? But, even then, the settler must have cultivated the land for three months next before December; that is, during the months of September, October, and November. Can any man get a pre-emption right on such terms? Not one. He is required to cultivate, and every one knows there can be no cultivation. He must cultivate just at the time when we are picking our crop. Pre-emption right, therefore, as the bill now stands, I reckon as nothing; for, in practice, it will come to that. The restriction upon oaths, too, was a bitter pill to me; but I did not mind that so much. But the settler must reside upon his land two years, or he must clear up one tenth part of it, before he can get a title. Now, take out the pre-emption principle, and put in this provision, and how many will vote for your bill? Is there a man here who will vote for this alone? There is not one. But here is a bill which strikes out all these, and gives us just what we want. Shall we hesitate to give it our support? I feel no hesitation in the matter. I shall vote for it. As to the committee's bill, it has got to be a little worse since I determined to vote against it. There is a clause in it now that I myself, out of old friendship for the Senator from Pennsylvania, helped him to get inserted—allowing a man to purchase for his children at private sale; but when I voted for that clause, I thought that the whole amount any man could enter under it was one section. But last night it was extended to all the public lands, and a citizen of the old States was allowed to enter a section for each of his children; and one gentleman wanted to extend it to all his nephews, and neices, and grandchildren; but that would not go down. But the section, as it stands, is bad enough; it gives a non-resident threefold the advantage which is enjoyed by the actual settler. He may enter more land; he is exempt from the necessity of cultivation or residence, and he has a patent mode of freeing himself from all his debts. He has only to invest the money that ought to go to his creditors in the public land, and he has an estate for his children, and is beyond the reach of any one.

But the Senator from Mississippi [Mr. WALKER] wants us to believe that a power to tax the land would operate as no check upon speculation. In Arkansas, we have not taxed our entered lands yet, but the lists are furnished and the law will speedily go into effect. The tax imposed by our Legislature is one third of one per cent. upon the value of the land. Assessors are appointed; they go and examine the land of the squatters, and ascertain what it is worth, and then the law taxes it one third of one per cent. Now, a speculator will sometimes hold land enough to cover a whole county; and when this tax is laid upon the land that he is holding up for better prices, he cannot stand it, but is compelled to sell the land to pay the taxes. And I say that this will always operate as an effectual security against the excess of speculation. On the whole, I shall vote for this amendment with pleasure. It takes away the bitter dose that made the bill from the committee so nauseous; and, if any danger is apprehended from excessive sales, and a consequent surplus in the Treasury, the President has power to stop the sales. I should be glad to know how speculators are going to get hold of the land under this amendment. There is but one way for them; and that is, to turn squatters themselves. I shall vote for the whole amendment as it stands; and, if it is amended by striking out any part of it, I shall still vote for it, as long as it retains either one of the three great features which recommend it to me. But I conclude with repeating what I have already said, that any land bill must have in it

one or other of these features, or it does not get my vote.

Mr. BLACK expressed his approbation of many parts of the amendment, but thought, as there was no prospect of the most material parts of them being adopted, that their discussion would delay the bill. The attempt to introduce the graduating principle had been made several times, and failed, and it was useless, he thought, to try it again. As he preferred going on with the bill, faulty as it was, he must vote against the amendment.

Mr. BENTON thought that one of the main objects of the bill had been almost taken away by the principle introduced by the amendment of the Senator from Pennsylvania. He was in favor of all the objects embraced by the amendment of the Senator from Tennessee, but he despaired of seeing them adopted, the votes on the graduation principle having been so often taken and decided against them that he had no hopes of seeing it introduced for at least two or three years to come. Mr. B. took a review of the speculations in the public lands several years ago, which had resulted in so much ruin and distress, and likened the present rage for speculation to that in the above period. He did not, however, despair of seeing the graduation principle in time introduced, though it could not be done now—the darkest hour in the night being that just before the morning. Though he approved of the objects embraced in the amendment of the Senator from Tennessee, he must be compelled to vote against it, as he wished the bill to go on.

Mr. WHITE said he was gratified to find that the principles of his amendment were approved of by several gentlemen, and he was the more gratified that no one had been able to offer any argument against it.

Mr. BENTON then observed that as he considered it of importance that the Senate should act with a full understanding of the amendment just offered, so much of which he approved of, he would do what he had not before been willing to consent to, since the land bill was under discussion; that is, he would move that the bill be laid over for the present, in order that the amendment might be printed, and laid on their tables in the morning.

Mr. EWING, of Illinois, rose and addressed the Chair as follows:

Mr. President: I hoped that no circumstance would have arisen, pending the discussion of this most pertinaciously contested subject, which would make it necessary for me to solicit the attention of the Senate for a single moment; that hope, however, has proved a vain one. Honorable Senators (especially the gentleman on my left, from Ohio) seem to have taken the interest of a portion of my constituents into their especial care and keeping. Whenever gentlemen are at a loss for a case of fraud and perjury whereby to elucidate their objections to the bill on your table, they conjure up a creation of the imagination, and give it a local habitation in the northern part of Illinois; but more particularly do we have reiterated recurrence to the far-famed, much-talked-of, and little-understood, Beaubien claim. Sir, if we were to take for granted all we have heard about this celebrated claim, we would be forced to the conclusion that the whole matter, from its very inception to the present moment, has been involved in mystery, fraud, and perjury; that the claimants, officers, and all in any wise concerned, have acted dishonest parts in relation to it. Now, sir, what does the honorable Senator [Mr. MORRIS] know about the subject? Nothing, sir, literally nothing. Col. Beaubien has occupied the place he claims the last twenty consecutive years: he occupied it at the time when the Senator would not have ventured within a hundred miles of it; he occupied it in times of great peril, in times of adversity, and in times of prosperity; he occupied it when it was totally without value, when not a Senator would have given a cent an acre for it; and he now has possession of it, when it is worth a million of money. How was this tract of land entered? Why, sir, as I have reason to believe, in the manner that all pre-emption claims should be. Beaubien's papers were regularly and legally made out, and proven, according to the prescribed forms, in the presence of the community; presented to the officers, accepted, the money received, and the certificate issued. The tract was advertised and proclaimed for sale as other lands were, at the same time and place; was not marked (as I am informed) on the plats furnished by the General Land Office to the officers at Chicago, as the other reserved lands were. Open and proclaimed for sale, what course was left for the officers to pursue but that which they did, fearless of the clamors and shouts of collusion and fraud, which were raised by the avaricious and interested about their ears? Of the officers I am prepared to say—and what I do say I hope will put an end to all reference to them hereafter—I repeat, that I am prepared to assume the responsibility of saying, in relation to the register and receiver at Chicago, that any imputation against their official integrity would be foul injustice; and that such was the malignity of their enemies—I mean those seeking their places—that had they conceived it possible to give tangibility and substance to the many rumors of which themselves were the authors, they would have at least made the attempt; but, having failed even to make that attempt, I hold the officers not guilty until it is otherwise shown. It is not my purpose, Mr. President, to argue this case. It has been, and is now, before the judicial tribunals of the country. Its discussion here might in some respect affect the ultimate decision of the case, and prejudice the just rights of the weaker party; for all know, that in a contest between an individual and the United States, his must be a plain case, and he of much forbearance and long suffering, before he can expect to have common justice done him, especially if it be an arithmetical calculation of dollars and cents. Since, however, I have taken the floor, I hope I may be excused for occupying the attention of the Senate for a few minutes longer, which shall be devoted to the subject now under consideration, especially when it is recollected that any question touching the sale of the public lands is deeply interesting to the Western people, and that the peculiar circumstances of the State of Illinois at this time render the subject particularly important to my constituents.

The recent influx of population into the State has been great beyond all precedent. During the period of my own residence in Illinois, I have seen the number of people swell from 40,000 to nearly 400,000; and those immense prairies, which at one period were supposed to be doomed to lie for ages an unproductive wilderness, are now beginning to be covered with an industrious, honest, and enterprising race of farmers. The last three years, especially, have been distinguished by the unexampled rapidity with which this interesting process has been carried forward, and is still in progress. The tide continues to sweep on with undiminished force; and it will swell and roll on, until the plains of that fertile region shall be peopled with American citizens.

The largest portion of this active emigration are farmers—persons seeking homes and a soil from which to earn a livelihood, and, of course, purchasers of public lands. Their relations to the Government, therefore, in reference to the public lands, are of the most intimate character. It is impossible to legislate on the subject without affecting their interest; and Congress cannot touch the question, in the most unimportant particular, without awakening the liveliest attention on the part of those whom I have the honor in part to represent.

Sir, there never has been a session of the Legislature

of Illinois, since its organization as a State, in which the subject of the public lands has not been agitated, or in which resolutions and memorials have not been addressed to this body, indicating the opinions of that people with regard to this important topic. I mention this circumstance, because it is, in itself, entitled to controlling influence with me.

Looking back, sir, at the various landmarks which indicate the current of public sentiment in reference to this question, I find that Illinois has uniformly advocated reduction and the graduation of the price of the public lands, and the extension of the right of pre-emption to the actual settler. It has been long a subject of complaint that, whilst there is an endless variety of soil and situation, and corresponding diversity of value in the lands composing the public domain, the whole is offered for sale at the same price—a price equal for all locations, and invariable at all times. The Government demands its one dollar and twenty-five cents per acre for every tract in its possession—as well for the most unhealthy swamp, the steril, desert prairie, without timber or water, as the most eligible and beautiful locations and the most productive soil. With regard to every other species of property which is transferred by sale from one individual to another, the value, for the most part, is regulated by natural causes—by the demand, the quality, and a variety of other circumstances. But in this single case the Government fixes an arbitrary price, which is the same yesterday, to-day, and to-morrow; the same under every diversity of place and every fluctuation in the price of the article sold, or of the medium with which it is purchased.

It is true that the uniformity of surface in the new States is great to an extraordinary degree, and that the proportion of first-rate land is correspondingly great. The inconvenience of the present system has, therefore, not been so pressing as it would have been in a country less favorably situated; and the people have submitted to this grievance longer than otherwise might have been the case. But fertile as a great portion of the Western lands undoubtedly are, there are extensive bodies of land which are of little or no present value. Immense prairies destitute of timber, covered with lakes and ponds of water; river bottoms subject to inundation; and thousands of tracts of inferior land, which cannot be speedily brought into proper cultivation.

Much of this land is susceptible of improvement, and might be sold at a fair price, and settled by an industrious population; but it becomes worthless and wholly unsaleable, in comparison with the choice lands in the same region; for when both are offered at the same price, it is obvious that the best only will be taken. No man will have the remainder at the price at which it is held, and it consequently remains unsold in the hands of the Government.

Of the correctness of these positions, abundant proof is found, not only in the personal knowledge and experience of every Western man, but in documentary evidence before you. The reports of the several registers and receivers, made to the Commissioner of the General Land Office, in compliance with a resolution of the Senate of the 25th of April, 1828, prove, beyond the possibility of cavil, that the price fixed upon the public domain by the Government is arbitrary, and beyond its intrinsic value. It is certainly no evidence of the value of a thing, that because an individual holds a monopoly in the article, he is able to sell it, even on speculation, at a fixed price.

Suppose, for instance, sir, I possess a legalized monopoly in the bread stuffs of the country, held by the same guarantee that the Government holds its monopoly in the public domain: does any one doubt that I shall be able to command my price, though it be an exorbitant one; or is there any more room for entertaining a doubt that in times of great prosperity speculation would be made or attempted, on the purchase and sale of this indispensable necessary of life?

The consequences growing out of a refusal on the part of Congress to reduce and graduate the price of its lands are obvious. When a district of land is offered for sale, it is rapidly overrun by persons in search of the best tracts, which are bought up with avidity; but when the choice situations have been culled, the tide of emigration passes on to a new region, and the Government is called upon to extend its surveys, to create new districts, to establish additional land offices, and to throw into market thousands of tracts, out of which a few only will be sold. Our territory is daily and hourly expanding, without a corresponding increase of population; and millions of acres are thus left unsettled in the very heart of the new States, which would, by a reduction of price, be advantageously settled, and rendered productive to Government, while thousands of our enterprising citizens are following up the newly acquired territory, and roaming off to the frontiers, in search of better lands and cheaper and unmolested situations.

And here, sir, I will explain what might otherwise seem an inconsistency. I have said of my own State, that it is acquiring population with unexampled rapidity; and I am proud to add, that it is rapidly advancing from its frontier obscurity to a high rank among the States of the Union, not merely by her numbers, but by the enterprise, the intelligence, and even the wealth, which is now pouring in a rich and continuous stream into her borders. In that country, which fifteen years ago was a wilderness, blooming in the wild beauty of nature, the labors of agriculture are yielding abundant harvests, an active commerce has been opened, institutions have been founded, and extensive projects of internal improvements have been authorized, under the most favorable auspices. The documents from the Land Office accompanying the President's message, as well as information obtained from other sources, show also immense recent sales of public lands. And it may be asked why people thus prosperous should ask for relief? Why a change should be required in a system under which such cheerful results have been produced? I reply, that the growth of Illinois has been, in a great measure, confined to particular districts; the numerous entries of public lands have been chiefly confined to districts recently brought into market, while the oldest counties in the State are passed over by the emigrant, receiving little increase of population, and deriving little advantage from the wealth brought by emigration.

By these means our settlements become detached; and while in a region where large bodies of first-rate land lie contiguous, a dense population and a high state of cultivation exists, there are immense tracts of inferior lands lying unimproved. These lands do not tempt the settler, when offered at the same price with those which are better; but the most of these neglected lands have a value, which can only be ascertained by a reduction of price. In some of the oldest counties, comparatively few tracts have been entered for many years; the best having been already purchased, and the residue remaining unsold. Should the price of land be reduced, hundreds of indigent citizens might be enabled to purchase homes; many of our most worthy but poor fellow-citizens occupy these lands of inferior quality, with the hope of avoiding the devouring cupidity of the heartless speculator. Having made their homes there, they would purchase these tracts if the price was reasonably reduced, and, by their labor, give them a value which has been denied them by nature. The large tracts of unimproved land lying between our prosperous settlements, and separating them from each other, impose

serious obstacles to a system of internal improvement which Illinois is about undertaking. We, sir, of the West, know that it is difficult to make roads of considerable length, when a part of the line of communication leads through an extensive district of unsettled lands, which, contributing nothing in taxation towards the first expense, and nothing in labor to keep them in repair, leaves the whole burden to be borne by the prosperous but scattered settlements which lie at distant points on the route. This objection is applicable to any work of internal improvement which we may undertake in Illinois; nor shall we be able to exert the actual energy we possess, until our population shall acquire vigor by its compactness and continuity of settlement.

The only practical remedy for this evil which occurs to my mind is the principle of reduction and graduation, which has been so often and so ably urged upon the consideration of this body. If, after the lands within a certain district have been offered for sale for a named period, (as has been so repeatedly presented in the shape of amendments to this bill, and as often defeated,) and the choice tracts have been sold, the price should be reduced as has been proposed, the tide of emigration would roll back, and other selections would be made, embracing as large sales as had previously been made. After another term of years had expired, a further reduction in the price would take place, and the attention of the crowd of purchasers, who would be pressing towards the frontier, would be called back to the lands which they had but recently passed over. At every reduction, the intrinsic value of the land would be developed, and new sales consequently effected. The United States would thus rapidly dispose of her lands, instead of encouraging the expansion of her territory, and the diffusion of her citizens, which are already taking place, and must continue to do so, under the operation of a variety of active causes. She would balance, control, and regulate that tendency which is driving our population, with undue rapidity, beyond the borders of our States, and would commence a process which would soon produce a more compact and vigorous settlement of the country. The last period of reduction having arrived, little or no land would be found in the market, and the Senate would then have the proud satisfaction of witnessing the consummation of a protracted act of justice to the public land States. It would see those States placed on an equality with their elder sisters of the confederacy, and in the possession and enjoyment of all the rights, privileges, and immunities, of the original States; your federal offices within their limits removed, and the anxious care of the General Government over the public domain forever cease.

It is to me no small recommendation of this salutary measure, that it has received the decided approbation of our venerated and patriotic Chief Magistrate. In his message of December, 1832, he remarked: "In examining this question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of their common country. It cannot be doubted that the speedy settlement of those lands constitutes the true interest of the republic. The wealth and strength of a country is its population, and the best part of that population are the cultivators of the soil." In his message of the 4th of December, 1833, he says: "On the whole, I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands should cease, as soon as possible, to be a source of revenue." And again: "I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of their lands should be reduced and graduated; and, after they have been offered for a certain number of years, the refuse remaining unsold ought to be abandoned to the States, and the machinery of our land system entirely withdrawn." He says in his last annual message, in reference to the restriction of the sales of the public land to actual settlers, that "it remains for Congress, if they approve the policy which dictated this order, (alluding to the Treasury circular,) to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands except to actual settlers, at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government ought not to receive any thing but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenue, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general, and to the new States in particular, which cannot fail to receive the most profound consideration of Congress."

Sir, these sentiments emanated from a source entitled to our confidence—from the Executive of our country—from an enlightened and venerable patriot, whose eminent services and unwavering love of country, and purity of purpose, have won for him a popularity and fame which have never been surpassed. Mr. President, I assume the position that the public land States are entitled to more indulgent and magnanimous legislation at the hands of Congress than many honorable Senators seem disposed to extend towards them. The perils, privations, and sufferings, of those who preceded us into the wilderness, who have performed the work of reclamation by opening roads and farms, building houses and bridges, in the preparation of the country for (perhaps) a less meritorious but more wealthy class of citizens, and in the creation of the necessary facilities of easy and convenient intercommunication, constitute, in my poor opinion, considerations of great merit, and should have a marked influence on the action of Congress in all questions touching the interest of the actual settler. Sir, these much-abused frontier settlers form a distinctive class of men, little understood by their transmontane brethren. Proud and independent, generous and hospitable to a fault, brave without consciousness of danger, they raise up a bulwark between the denser portions of our population and the incursions of the savage! Standing as constant sentinels on the outposts of the country, daily accustomed to scenes of peril and privation, they acquire a character for daring and courage that no danger can appal, and which belong to no other class of men. Free from all the vices of populous communities, and their consequent temptations, we hear of few or no instances of crime amongst them. What stranger, that ever visited the log cabin of our pioneers, was not safer in his person and property than in the sumptuous abodes of the rich, surrounded by the votaries of luxury and vice? Where is the instance that he did not receive a heartfelt welcome to all the hospitalities of his humble hearth, and when he departed went forth with the blessings of its inmates? Sir, the person and property of the stranger, I repeat, are more sacred in the log cabin of the borderman, than in the marble mansion of the rich and mighty. The public land States occupy a position of great danger and exposure. An exasperated and barbarous enemy prowl upon our frontier, extending over a distance that would cover more than half the kingdoms of Europe—from Lake Superior to the Gulf of Mexico. It is now the settled policy of Government to establish all the interior Indians on this line of frontier. Are we sure of exemption for a month at a time from alarms of Indian

depredations, on this almost interminable frontier? No, sir. The war cry of the fierce Sac on our Northwestern frontier had scarcely been hushed into silence by the courage of my constituents, and the gallant miners under their brave leaders, when the savage yell of the marauding Seminoles proclaimed war on the frontiers of Florida.

Can we reasonably expect this state of things to change for the better? Or should we not rather apprehend increased dangers from the extension of our frontier and the continual accumulation of the Indians on our borders? It is true, we of Illinois have no longer an Indian frontier; but long, very long, will be the time before we can forget our sympathies for our brethren of those States who are exposed. Who, sir, have, and will ever have, to fight our frontier battles, but the citizens of those States and Territories occupying that frontier? Who are more willing to interpose the strong arm of their protection than they? None, sir; they have always fought our Indian battles, and will have to continue to do so. And who, sir, when a civilized Power, forgetful of its propriety, makes war upon us, are the first to rally under their country's standard? Let the victorious fields of the Thames and New Orleans answer.

Besides, sir, the general inability of the frontier settler to pay a greater than the Government minimum price for its lands, taken in connexion with their important services in the primitive settlement of the country, constitute strong claims upon the more generous legislation of this body.

We have heard iterated and reiterated complaints of combinations amongst the actual settlers; we have been favored with the reading of their articles of association at the Secretary's desk; gentlemen declare that these combinations and associations are formed for the avowed object of setting at defiance your laws and Treasury regulations in relation to the sale of the public lands. If this be so, allow me to inquire, is it wise legislation to refuse to pass a law, the enactment of which would prevent the violation of existing laws, and avoid the recurrence of those deprecated consequences? Is it conformable to your views of common sense and common justice to refuse the re-enactment of a law (the pre-emption principle of this bill, for instance) because that law has been in some instances set at defiance and its provisions evaded by the wicked and vicious? To refuse your assent to the provisions of a bill that would make glad the hearts of ten thousand meritorious and good men, because some half dozen unprincipled individuals had made fortunes by the evasion of these principles, and the commission of perjury? Sir, I flatter myself, not, I trust, with the vain hope, that this honorable body will be governed by more elevated views in its legislation on a subject so vitally interesting to so large a portion of these States. Pass this bill, and these much-abused associations will dissolve into their original elements; they will no longer exist. Give the actual settler but the poor privilege of pre-emption to a quarter section of your boundless domain, embracing his domicil, and, as far as it will go, his improvements; then you will no longer hear of these unlawful associations, as gentlemen are pleased to call them. Do but this, then the actual settlers will cease to demand six hundred and forty acres or more.

In the absence of some law securing to the actual settler his improvements, which he acquired under circumstances of great privation and hardship, these associations will continue to exist until every acre of the two hundred millions that you now vauntingly boast the possession of will have been sold, and until the last acre of another two hundred millions is bought and sold; nay, sir, until the last fraction on the Pacific is disposed of. They have existed ever since the national domain has been national property; and such is their moral power, that no force dare attempt to suppress them by violence. But enact now and continue in force a liberal and just system of law in relation to the public domain and rights of the actual settler, and these conventions of the settlers will cease to exist, and in a few years be among the forgotten things.

Who are these actual settlers, whom I boast of as being my constituents? They are men respectable in all the relations of life. As farmers, as mechanics, physicians, teachers, ministers of the gospel, &c., men engaged in the honest pursuits of agriculture, building up towns and villages, establishing schools and churches, creating all the various of machinery of intelligent and respectable society, men having regard for the maintenance of good order in society, of elevated morality--yes, elevated morality; that is the word--and anxious for the promotion of the intellectual and moral culture of those around them, and those that are to come after them. These, sir, in brief, are the men that constitute my actual-settler constituency; and moreover, sir, they are men that know their rights, and, knowing them, are determined to maintain them; and it is these, too, that compose these associations, of which some Senators seem to entertain such a holy horror, and about which you have so much embellished declamation from every quarter of this chamber.

Mr. President, it has been charged that those of my constituents who attended the late sale at Chicago entered into private and unlawful combinations, for the declared purpose of putting down competition at the sales. Sir, the imputation is unfounded. They did, it is confessed, unite with one another for mutual protection and the security of their property against the rapacity of the land robbers, who infested every avenue to the office, like the frogs of Egypt. Thus far they went, and no farther, and this I have always considered a most praiseworthy act; I stand here their vindicator for it.

It is equally incorrect that, after having secured their pre-emption claims at these sales, the same purchasers rose up like hordes of Tartars, and pitched their encampments upon the beautiful plains of Rock river. Not so, sir; I am happy to have it in my power to state that this incomparably fertile and healthful region is now covered by a fresh set of emigrants, composed of some of the most useful and intelligent constituents of Senators from all the Northern and Middle States; and I mention it as one of the many instances of the unparalleled rapidity with which the West, and especially Illinois, is settling and improving. Scarcely had the footstep of the hostile Sac been obliterated, or the smoke of the last watch fire disappeared from view in the distant horizon, when the Northern hive poured down its best population upon us. It is these, and not those who purchased their lands at the Chicago sales, that now inhabit the Rock river country. But they are the same in all that constitutes the character of good citizens and useful members of society. The one, however, is secure in the legal occupancy of his rightful possessions, whilst the other is anxiously awaiting the action of this Legislature for the extension of its long-established munificent policy to them, for the security of their dearest interests.

Mr. President, there are provisions in the bill now under consideration which I think restrictive in the extreme, and which I feel certain will not be acceptable to the settlers on the public lands; but I am equally certain, from repeated efforts made pending this protracted discussion, that the objectionable portions of the bill cannot be stricken out, without endangering its passage. It herefore feel disposed to yield my objections to the vicious parts, in order that the good may be retained. Let it go before the people. Let it undergo the ordeal of their scrutiny; and if they reject it, then will it be the duty of Congress to repeal the obnoxious provisions, and give us a more equitable and liberal system of law on this subject.

Mr. President, I again repeat that the legislation of Congress is not of that fair and equitable character towards the public land States that their wants and interests demand. All the old States in the Union, on their introduction into the great federal family, were invested with the attributes of sovereign power over all their internal affairs: they were imbued with authority to levy and collect taxes upon every species of property within their respective jurisdictions, for the maintenance of Government, and for whatsoever other legitimate purpose the legislative authority may devise. But not so with the public land States. They have heretofore been, and are now, admitted into the national fraternity manacled in every limb, and bound in fetters of paralyzing restriction. Your General Government, the influence of which is yet in the hands of the old States, and whose policy is directed by them, still retains its property in the public domain within our limits, and is every day exercising the power of making disposition of it, and laughs at all our efforts to place ourselves on an equality with them, as vain and impotent; thus leaving the public land States with a curtailed and limited sovereignty over the soil. If you, in your boasted bounty, set apart a section of land in each township in those States, for the most praiseworthy and commendable purpose of education, the otherwise munificent grant is made in consideration of ample equivalents. You will not permit us to receive an accession of a single emigrant, unless we yield our exemption of five years' taxation. This exemption is the bonafide condition upon which we receive the emigrant. Your policy is to sell your lands, and you compel us to bestow this boon, in order to enable you so to do, and before he is permitted to pass our limits and reside among us.

If you grant a new State any land for the purpose of constructing a railroad or canal, no matter whether it be a national or local work, you are right sure to do it in such manner and under such restrictions as to secure to yourself the benefit of the grant. You most graciously bestow on us every alternate tract, whether it be of swamp, barren, prairie, rocks, or mountains. We, your most grateful donees, proceed in the establishment of the work, and with millions of additional cost complete some stupendous project of internal improvement, and thereby render your barren rocks and lagoons and desert prairie all saleable, and thus give a value to your property which no time or other circumstances could possibly have given it. Most gracious munificence this! If out of our own resources we improve the navigation of a river, if we drain a pond, we are giving a positive value to much of your property, which otherwise would be totally worthless. Every farm we open, every house we build, every town and village which springs up on your boundless domain, creates a value in thousands of contiguous acres, hitherto without any, or offering any inducement to the purchaser. Thus it is you receive for your vaunted princely gratuities equivalents and benefits absolutely amounting to speculations. Sir, I repel the declaration so often repeated here, that the public land States have received "princely gratuities" in lands from Government. We have received no gratuities without corresponding benefits, and, in some instances, ten-fold equivalents. But, sir, instead of gratuities, there has been doled out to us a most parsimonious and niggardly legislation on all questions of relief in any wise touching the public lands, or those occupying them. Your policy, hitherto, has been to encourage, by all practical means, the settlement of those lands; and the imposition of the inhibition against taxation for a limited period of time was among others held out as an inducement to emigration. Now, the policy seems to be changed. Gentlemen complain that the public lands are settling too fast; the redundant population of the parent States are moving in myriads to the fair valley of the Mississippi; whole communities rise up, as it were by common consent, and quit the father land, seeking homes in the West, taking with them much of our mechanical skill, useful industry, and wealth. This state of things must be checked, say they, and they act accordingly.

Every question affecting the interest of the public land States seems to me to be contested here with an unusual and most extraordinary pertinacity. Touch not the public domain, is the battle cry of the enemies of relief measures. It is a nation's richest treasure, bestowed by the immortal Old Dominion, the father of the republic, for the general good--for the whole people, and not for any particular part or portion of them.

Sir, are we doomed forever to endure this abject state of vassal dependence on the bountiful legislation of Congress, for the rights which common sense and rigid justice demand for us? Who will undertake to say that the new States do now enjoy all the rights, privileges, and immunities, of the old States? Sir, we cannot make a road from one county seat to another, without trespassing upon the public domain; we cannot pass the threshold of our humble domicil, without incurring the guilt of punishable trespass. We can go nowhere, build bridges across none of our watercourses, without obstructing Uncle Sam's highways, or building an abutment against and upon some portion of his endless domain. We dare not levy a tax upon nine tenths of the soil within our limits. We must wait the tardy and lingering policy of the Government, in making its sales of those lands, and then wait an additional five years, before the legislative authority of the State can reach them.

The federal authority adopts its system of laws in relation to its lands, and enforces them within our jurisdiction; whilst the State, with all becoming humility, must wait in patient servility until the contingency of sale takes place, and the five years' probation shall have passed away, before her jurisdiction accrues. And thus this humiliating process continues from year to year, the new States every day arriving nearer and nearer to induction within the pale of the constitution, until eventually, after a lapse of twenty, thirty, and forty years, perhaps, we are safely moored within the protection of the guns of the constitution; and we step in, and take our place, in our old age, among the federal family, on an equal footing, in all respects, with our elder brothers.

When Mr. EWING had concluded,

At the suggestion of Mr. WHITE, Mr. BENTON moved that the Senate adjourn, and that the amendment be printed; which was agreed to; and

The Senate adjourned.

FRIDAY, FEBRUARY 3.

SICK AND DISABLED SEAMEN.

Mr. DAVIS, from the Committee on Commerce, to whom was referred the Senate bill No. 79, made a written report, accompanied with a substitute for the bill; which substitute suspended, for one year, the tax of 20 cents each on American seamen, for a hospital fund, and appropriated $150,000, for one year, in lieu thereof, to be paid from the Treasury. The report was accompanied with the following resolutions, calling on the Secretary of the Treasury for information on the subject:

Resolved, That the Secretary of the Treasury be instructed to ascertain what it will cost to erect three hospitals, of suitable dimensions, for the relief of sick and disabled seamen and watermen upon the waters of the Mississippi river, at the most suitable places for that purpose; also, what it will cost to erect the same number, if needed, on the most important points of the Atlantic and Gulf coasts.

Resolved, That the Secretary of the Treasury be further instructed to draw up the project of a law to regulate the disbursement of funds for the relief of sick and disabled seamen, and for the government of hospitals erected for that purpose.

Resolved, That the Secretary of the Treasury be instructed to enumerate those posts and places in the United States where, because suitable accommodations for the sick cannot be obtained, or from any other cause, there is a strong necessity for hospitals, and to make report upon this and the other instructions in these resolutions at the next session of Congress.

Mr. DAVIS, after the reading of the report, asked for the immediate consideration of these resolutions; which requiring the unanimous consent of the Senate,

Mr. CALHOUN, who had not heard the report, expressed the wish that the resolutions might lie one day on the table.

Mr. DAVIS briefly explained the nature and objects of the bill and the resolutions, remarking that the bill was designed to supply the deficiency in the interim, while Congress might obtain the requisite information, and mature and adopt some proper system on the subject.

Mr. CALHOUN said he understood this to be the commencement of a change in the system, as heretofore existing, by which the hospital fund was supplied by a tax on seamen. He believed that the great and prevailing disease of the times was centralism here; and he was utterly opposed to any thing which would tend to increase it. As soon as the system of affording relief to seamen from the Treasury should commence, there would be no limitation; and he would, therefore, give his protest in advance against the measure proposed by the bill. He was opposed to opening all sluices to further expenses of the Government, as tending to corrupt the public morals, and to endanger our institutions.

The burden (Mr. C. maintained) of relieving sick and disabled seamen did not fall on the seamen themselves, but on the particular branch of business in which they are employed, by which it ought to be borne; otherwise it would become, like harbors on the lakes, and light-houses, an improper burden upon Congress.

Mr. DAVIS said that he was not exactly willing that the measure should go off under such an impression. The gentleman from South Carolina, [Mr. CALHOUN,] he thought, would withdraw his objection, if he had paid better attention to the subject. The hospital tax, Mr. D. maintained, fell on the wages of the sailor; and the Senator would agree with him that no class required a higher degree of protection, or were more worthy and meritorious; and no class asked less of the Government. When did the Senator know a sailor to ask for any thing? Mr. D. had not known an instance in which a sailor had asked for a pension or any other grant. He would call the attention of the Senator to a notable case, the destruction of the Philadelphia. While a large number of people engaged in that portion of the service had been for a number of years asking Congress for something, it had never been done by a sailor; it had been demanded by their representatives, and not by themselves.

But all this had nothing to do with this matter. It was thought that something ought to be done for this class of persons on the Western waters, exposed to the peculiar diseases of that region, far away from their friends and the means of comfort. In order to effect this purpose, a tax of twenty cents each had been laid upon their wages by Congress. The Government had not been so liberal as the Senator supposed. The tax, indeed, proved inadequate to the purpose, and the Government had every year appropriated more or less; not much, but enough to cover the expenses. The fund had been conducted, as far as Mr. D. was able to ascertain, with prudence and economy, and had been disbursed under the direction of the Government. But there had been no law on the subject, though the committee thought it was best that it should be regulated by law.

Now, all Mr. D. proposed by the resolutions before the Senate was an inquiry as to the expense of erecting three hospitals on the Western waters, and three on the Atlantic coast, and so many he was sure were needed. He did not propose now to commit the Government to any course of policy. In the bill there was indeed a proposition to change the policy for a single year; but the Government then retained the matter in its own hands, to pursue such a course as might be found expedient and proper. The passage of these resolutions was as much wanted, if the bill should not pass, as if it should.

Mr. CALHOUN said he knew the resolutions did not involve the principle to which he objected, but the bill did; and it was his design now to give notice that he should, therefore, oppose it. He agreed with the Senator that seamen were a meritorious class, and that they were not importunate on Congress. They would not do the mischief, but the persons interested in erecting and conducting the hospitals. Mr. C. again insisted that though the tax imposed on seamen was taken in the first place from their wages, it ultimately fell on the branch of business in which they were engaged; and the interest concerned ought to pay the expense. The patronage of the Government, he maintained, ought not to be extended. He saw no reason why the Government should pay the expense of sickness in one branch of business more than in another. They might just as well pay such expense in the cultivation of sugar, or rice, or cotton. The tendency of the Government was already to the destruction of liberty, and he was opposed to every thing that would give impulse to that tendency. He had no objection to the resolutions, but hoped the bill would not receive the sanction of the Senate.

Mr. DAVIS said he thought there was a very wide difference between the cases which the gentleman from South Carolina [Mr. CALHOUN] had made parallel. Legislation in regard to seamen commenced with the existence of this Government, and was intimately connected with the subject of commerce, which was wholly subject to the legislation of Congress; and one leading object in this connexion had been to cherish the employment of seamen, as necessary to the defence of the country; and on this same account a preference had been given to American seamen, in contradistinction from foreigners. Was there no difference between extending protection to these men, far from home, destitute of the means of comfort, and not addicted to laying up their wages, and those men who lived on plantations, directly surrounded with the means of health and comfort? And were the two classes equally important in providing for the defence of the country?

Mr. NICHOLAS moved to amend the resolutions by inserting "the Gulf," in connexion with "the Atlantic."

Mr. DAVIS thought it was unimportant; the Gulf was a part of the Atlantic, and the insertion of it might lead to the enumeration of bays and inlets.

Mr. NICHOLAS preferred that it should be noticed more distinctly; and the amendment was accordingly adopted.

The resolutions, as amended, were then adopted.

PUBLIC LANDS.

The Senate resumed the consideration of the land bill; and the question being on Mr. NORVELL's motion to reconsider the vote by which the Senate had refused to strike out the 8th section of the bill, it was taken by yeas and nays, and decided in the negative, as follows:

YEAS—Messrs. Benton, Black, Ewing of Illinois, Fulton, Grundy, King of Alabama, Linn, Lyon, Moore,

Nicholas, Niles, Norvell, Robinson, Ruggles, Tipton, Walker, Wright—17.

NAYS—Messrs. Bayard, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Hendricks, Hubbard, Kent, King of Georgia, Knight, Morris, Prentiss, Preston, Robbins, Southard, Swift, Wall, White—23.

Mr. RUGGLES moved to amend the 8th section by inserting before the word "child" the word "male," so as to give a parent the privilege of purchasing the public land only for his male children under 21 years.

Mr. BUCHANAN said that he hoped that no such amendment as that would be assented to. He had almost rather lose the whole section than vote to exclude the ladies.

Mr. CLAY demanded the yeas and nays.

Mr. MOORE said, if any distinction was to be made, he would rather give the exclusive privilege to children of the other sex.

The question being taken, the amendment was negatived by nearly the whole Senate, as follows:

YEAS—Messrs. Niles, Ruggles, Wright—3.

NAYS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Lyon, Moore, Morris, Nicholas, Norvell, Prentiss, Preston, Robbins, Robinson, Southard, Swift, Tipton, Tomlinson, Walker, Wall, White—38.

Mr. NILES moved to amend the bill in the 8th section, in that part of it which requires a parent to swear that no previous entry has been made in the name of said child under the provisions of this act, by striking out the words "in the name of said child," and inserting in lieu thereof, "by said parent;" but before any question was taken on this amendment, a question of order was made, viz: whether the 8th section could be amended at all, inasmuch as the Senate had refused a motion to strike it out, and had thereby determined to retain it entire.

The question was argued for a long time. The rules were appealed to: the Chair doubted, and the Senate could extricate itself from the difficulty only by determining, with common consent, to reconsider the former vote, by which a reconsideration had been refused. This brought them back to the point at which they had started in the morning, and presented the question whether the 8th section should be stricken out or retained in the bill.

Mr. BUCHANAN had no idea that such opposition would have been made to this section. He had consulted with Western gentlemen before he offered his amendment to it, and he had thought it would meet their approbation. The bill, as it stood, confined the sales of the public lands to those who are in the West. He thought the people of the West would feel the paralyzing effects of the bill, should it pass in its present shape, although they express their willingness to make a sacrifice to diminish the surplus revenue. He was willing to reduce the revenue derived from the sales of the public lands to effect that object. But, when he was asked to vote for a bill which would cut off his own constituents from deriving any advantage from it, he could not agree to it. He was willing, at an early stage, to meet the feelings of gentlemen from the West; but now he was willing to let the section stand or fall upon its own merits; and, if necessary, he was willing to put his vote against the adoption of this or any similar amendment.

Mr. WRIGHT remarked that his object in voting for a bill of this character was to reduce the revenue, and to effect that end by confining the sales of public lands to actual settlers. He did not see why such a principle might not be incorporated in this bill. Was there any one present who admitted that the lands of the Government in market were now offered for sale below their intrinsic value? He would not vote for a proposition to raise the price, because he did not believe the lands were worth more than one dollar and twenty-five cents. But, if he believed in the opinion re-echoed in that body, he should feel it his duty to move to raise the price. He believed the minimum price of the Government was high enough, nor did he think that public policy would admit of its being raised. Entertaining this opinion, he would not admit that it was a privilege conferred on a citizen, to give him an opportunity of purchasing the public land, unless he wanted to use it.

He believed it was a privilege, when a man wanted a farm to cultivate, that he should have land at the lowest price. Mr. W. argued that it was not to be supposed that lands could be sold at the end of ten years, when the country would of course be very much improved in every respect, at the same price as at the present time, though, according to the argument of gentlemen, it would appear that such was to be the case. His judgment was this: that the interests of the whole Union, and of those who live where the lands are located, required that Congress should put them into their hands at as low a rate as reason would dictate, and as rapidly as the growth of the country would permit. But when a sort of pre-emption right was opened to a man, unaccompanied with a settlement, that was not the way to promote a settlement of the lands. Mr. W. concluded with saying that he hoped the vote might be reconsidered, for he had no wish that it should be stricken out, but only modified so as to make it acceptable to the Senate.

After further debate, the question of reconsidering was decided in the negative (so as to retain the section in the bill) by yeas and nays, as follows:

YEAS—Messrs. Benton, Black, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Ruggles, Sevier, Tipton, Walker, Wright—21.

NAYS—Messrs. Bayard, Brown, Buchanan, Calhoun, Clayton, Crittenden, Ewing of Ohio, Hendricks, Kent, King of Georgia, Knight, Morris, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tomlinson, Wall, Webster, White—22.

The question now recurring on Mr. WHITE's amendment, it was modified, on motion of Mr. NORVELL, by inserting a clause protecting from the operation of the bill all lands reserved by any of the States for salt springs or for purposes of education.

Mr. WALKER inquired of the Chair whether, in case Mr. WHITE's amendment should be adopted, it would be in order for him to amend it, by adding thereto the second section of the bill as it at present stood?

This led to another discussion on the question of order, when, to relieve the Senate,

Mr. WHITE consented to move, instead of his first amendment, to strike out the second section of the bill, with notice that if that motion succeeded, he should follow it by another, to strike out the residue of the bill, and insert his amendment, as before proposed.

After further difficulty as to questions of order,

Mr. WHITE withdrew this motion, and renewed that he had before made, viz: to strike out the whole of the bill excepting the first section, and to insert, in lieu thereof, the amendment quoted above.

After some remarks from Mr. EWING of Ohio and Mr. LINN,

Mr. DAVIS went into a speech of considerable length (which, however, he was, through indisposition, unable to conclude) in opposition to the general principles of the bill.

Mr. WEBSTER, desirous to give him an opportunity to conclude his remarks to-morrow, moved an adjournment; but the motion did not prevail, being rejected, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Moore Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, Wall, Webster—21.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Page, Rives, Robinson, Ruggles, Sevier, Walker, White, Wright—25.

Mr. RUGGLES now moved to amend the bill in the seventh section, in the following clause: "That all the lands of the United States shall hereafter be subject to purchase at public auction or private entry, in subdivisions not less than a quarter-quarter section," by striking out that clause, and inserting, in lieu of it, a provision that every purchaser under the provisions of the bill should be required to enter his land in not more than four separate parcels, nor in less than a quarter-quarter section.

Mr. WALKER opposed this amendment with warmth.

Mr. EWING advocated it, and explained that under the bill as it stood a purchaser might enter his two sections of land in not less than 32 distinct portions of 40 acres each; and provided he cultivated 3½ of these, he might enter the remaining 28 in any State or Territory where there was public land to sell, and that without striking a stroke on either of them.

Mr. WALKER took the contrary position, and argued to show that the purchaser would have to cultivate a small part of each tract.

Mr. EWING insisted upon his first position, contending that the words of the bill would bear that interpretation.

Mr. WALKER declared that, should this amendment prevail, it would destroy the bill altogether, and he should be obliged to vote against it.

Mr. RUGGLES supported the views given by Mr. EWING, and went on to show that, under the 8th section, a man who had ten children might, unless this amendment prevailed, enter 350 separate small tracts of land, wherever he pleased.

It being now past 5 o'clock, Mr. CLAY moved an adjournment; but the Senate refused to adjourn: Yeas 22, nays 24.

The question was then put on the amendment proposed by Mr. RUGGLES, and carried, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clayton, Crittenden, Dana, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Morris, Niles, Page, Prentiss, Rives, Robbins, Ruggles, Southard, Swift, Tomlinson, Wall, Webster, White—24.

NAYS—Messrs. Benton, Black, Ewing of Illinois, Fulton, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Nicholas, Norvell, Robinson, Sevier, Tipton, Walker, Wright—17.

This vote being announced from the Chair,

Mr. WALKER gave notice that he should vote against the bill.

On motion of Mr. DAVIS, the bill was further amended in the second section, in that clause which declares "that hereafter no one person shall be permitted to purchase more than two sections," &c., by striking out the word "one."

Mr. DAVIS further proposed to add at the end of the 5th section a proviso, that if any land claimed under the pre-emption clause should, at the time, be worth more than $5 an acre, no pre-emption should issue; the Commissioner of the General Land Office being empowered to ascertain the fact.

Mr. SEVIER demanded the yeas and nays on this motion, when it was decided in the negative, as follows:

YEAS—Messrs. Bayard, Calhoun, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster—16.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Morris, Nicholas, Niles, Norvell, Page, Rives, Robinson, Ruggles, Sevier, Tipton, Walker, Wall, White, Wright—28.

The question was now at length put on Mr. WHITE's amendment, and decided in the negative, as follows:

YEAS—Messrs. Black, Calhoun, Davis, Ewing of Illinois, Hendricks, Kent, Moore, Norvell, Preston, Robinson, Sevier, Walker, Webster, White—14.

NAYS—Messrs. Bayard, Benton, Brown, Buchanan, Clayton, Crittenden, Cuthbert, Dana, Ewing of Ohio, Fulton, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Lyon, Nicholas, Niles, Page, Prentiss, Rives, Robbins, Ruggles, Southard, Swift, Tipton, Tomlinson, Wall, Wright—29.

Mr. WALKER observed that, as the bill now stood, it could not receive his vote; and as the amendment of the Senator from Tennessee had failed, there remained but one more effort to save the bill; with which view he moved that it be recommitted to the Committee on Public Lands.

On this motion Mr. DAVIS demanded the yeas and nays.

Mr. LINN now inquired whether the Senate, in case the motion to recommit should prevail, would possess any security that they should not be led into the same labyrinth of difficulties through which they had just passed, unless the committee were furnished with some instructions to guide them. In order to give the chairman of the Land Committee time to sleep on the matter, and then to prepare a draught of such instructions as would probably be acceptable to a majority, he moved that the Senate do now adjourn; which motion prevailing,

The Senate accordingly adjourned.

SATURDAY, FEBRUARY 4.

COPY-RIGHTS TO FOREIGNERS.

Mr. CLAY presented a list, on parchment, of additional names of British authors to the address which he had submitted to the Senate the other day, and which, by mistake, he had not then received. He moved that it be printed with the other names attached to the address, and be referred to the select committee raised on that subject; which was accordingly ordered. He also moved the appointment of an additional member of the select committee; which was ordered.

Mr. C. also presented a petition from sundry American authors, praying amendments in the copy-right law. They represent the importance of native literature, and the propriety of extending to it reasonable encouragement. They state that, owing to the fact that booksellers in this country can possess themselves of and publish new works as they issue, from time to time, from the British press, without any charge on account of the copy-right, American authors of similar works are unable to obtain for their copy-rights a fair compensation. They therefore pray that a just security may be given by law to British authors, for the property which they have in their intellectual productions.

Mr. C. understood that the course of this business was, that American booksellers have their agents in Great Britain, who, as soon as a new work makes its appearance, transmit it to them by the first packet. Sometimes it is received from the packet at the Nar-

rows, and the vessel being detained there a short time, from some cause or other, by the time she arrives at the wharves the work is published and ready for distribution. This extraordinary despatch is effected by means of steam presses, and the hundreds of hands employed by some of the booksellers. The consequence is, that the work is often slovenly published, on bad paper, with bad types, and omitting maps, diagrams, engravings, and other illustrations. This the first publishers feel themselves constrained to do, lest some rivals shall publish a cheaper edition than that which they have issued. Purchased in this defective form, no one can get the genuine production of the British author without sending abroad for it, as is sometimes done.

Mr. C. understood that the business of republishing in this country late British works was principally confined to two highly respectable houses in New York and Philadelphia, of whom he did not mean to say one word in disparagement. They merely availed themselves of the actual state of things, and undoubtedly placed the American public under obligations for supplying them so rapidly and so cheaply with the latest effusions of the British mind.

If the foreign author is justly secured in his rights of property, the practical consequence will probably be, that he will sell his copy-right to some American publisher, the work will be carefully and deliberately printed, without mutilation or abstraction, and will be in a condition worthy of preservation.

The petitioners, besides manifesting towards their literary brethren abroad a sense of justice and liberality, pray for some alterations of the law adapted to their own condition.

Mr. C. moved the reference of the petition to the select committee heretofore appointed; which was ultimately ordered accordingly.

Mr. NILES, referring to the memorial from American authors, said they had gone one step beyond what had ever been done. They were not satisfied with obtaining the right to the productions of their own minds; they asked Congress to prohibit, for their benefit, the use of the productions of others. This he opposed at considerable length.

Mr. PRESTON, with a view to correct an erroneous impression which might have been made by his remarks the other day on this subject, said he was not adverse to granting copy-rights to foreign authors. All he meant to say was, that he saw difficulties and embarrassments in the way. He had formerly expressed himself in favor of this grant to foreign authors, which might have been a motive for sending petitions on the subject; and all his inclinations were still decidedly in favor of the proposed measure. He believed, also, that Congress possessed the constitutional power to pass it, and by that part of the constitution which provides for the promotion of knowledge.

We had been in the daily habit (Mr. P. said) of appropriating to our use the productions of minds beyond the Atlantic, without any recompense. We had luxuriated in the works of Sir Walter Scott without any remuneration to him, at the time when he was toiling night and day to pay a debt; when, if he had received from us the thousandth part of the value of his works, the debt would have been paid. Mr. P. had always regarded this as an instance of ingratitude, which of itself induced him very strongly to the support of this measure.

Mr. CLAY, in reply to Mr. NILES, said he was very glad of the benefit of his suggestions, and they would doubtless receive the special attention of the committee. But he thought he would be satisfied that no such mischief was intended as he supposed. The whole object was to put foreign authors on the same footing on which our own authors are in England.

Mr. C. thought the extension of copy-rights would not, on the whole, make any addition to the cost of the books. They were now made up in great haste, consequently a poor article, and at a great expense, which must be paid in the sale of the article; when, without this haste and consequent extraordinary expense, the copy-right might be paid for, and a still better article be procured in proportion to its value. But even if it were not so, we ought to scorn to do an act of injustice to a foreigner, by appropriating his works without compensation; and especially when such compensation was made to our own authors in foreign countries.

The reference and printing were then ordered, as above.

ELECTION OF PRESIDENT AND VICE PRESIDENT.

Mr. GRUNDY, from the select committee appointed to consider and report on the mode of examining and counting the votes for President and Vice President, &c., and whether any votes have been given by persons not competent under the constitution, made a special report thereon; which was read.

The report states that in some instances not more than four or five electors have been chosen in some of the States, who are officers of the General Government, (deputy postmasters,) and that such votes are, in the opinion of the committee, not in conformity with the provisions of the constitution; but at the same time the few votes thus given will not vary the result of the election, as it was not contemplated by any one that the appointment of one ineligible elector would vitiate the vote of his State. The report concludes with recommending the adoption of the following resolutions:

Resolved, That the two Houses shall assemble in the chamber of the House of Representatives, on Wednesday next, at 12 o'clock, and the President of the Senate shall be the presiding officer; that one person be appointed a teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States; and, together with a list of votes, be entered on the journals of the two Houses.

Resolved, That in relation to the votes of Michigan, if the counting or omitting to count them shall not essentially change the result of the election, they shall be reported by the President of the Senate in the following manner: "Were the votes of Michigan to be counted, the result would be, for A. B. for President of the United States, ——— votes. If not counted, for A. B. for President of the United States, ——— votes. But in either event A. B. is elected President of the United States." And in the same manner for Vice President.

Mr. NORVELL arose and said that the resolutions were joint resolutions. The first prescribed the usual manner in which the two Houses assembled together on the second Wednesday in February, for the purpose of counting the votes for President and Vice President of the United States. To this, of course, he had no objection. The second resolution, in relation to the votes of Michigan, declared, in substance, that if they were not essential to the election of a President, they should be announced, but need not be received as good. Their reception, then, as sound votes, depended upon a contingency which it was known would not happen. He called for a division of the motion of the Senator from Tennessee, in order that he and his colleague might have an opportunity of recording their votes against the sec-

ond resolution. Michigan, when the people of that State gave their votes for presidential electors, was a sovereign State, acknowledged to be such by an act of Congress of the United States. She was now, before her electoral votes were to be counted, a sovereign State of this Union, acknowledged to be such by another act of the Congress of the United States. He had, therefore, risen to enter his most solemn protest, in behalf of the people of Michigan, against any decision of this body, or of Congress, which would, even by implication, have the effect of preventing their electoral votes from being counted for President and Vice President of the United States; and upon the motion to adopt the second resolution, he requested that the yeas and nays might be taken.

Mr. GRUNDY observed that the committee were unanimous for reporting the second resolution objected to by the gentleman from Michigan. The same course had been pursued with regard to the State of Missouri, and under the like circumstances; and when Senators recollected that this was the very place where the rock lies which may destroy this Government, they would perceive that the committee had good reasons for recommending the resolution objected to. Suppose (said Mr. G.,) the two Houses should differ and separate, and suppose the House should refuse to send for the Senate again: where will be your President or Vice President? Though he had been one of the most anxious for the admission of Michigan, yet he thought it better, under the circumstances, that her vote should not be counted, except in the way provided for by the second resolution. To count the vote could do no good, inasmuch as it would not vary the result; and it might do harm. No man was more anxious than he was for the admission of Michigan; yet he must express the opinion that she was not a State of this Union when she gave her vote.

Mr. NORVELL said that, if this Union should ever receive a shock, as intimated by the Senator from Tennessee, it would arise from the practice of injustice by this Government towards one or more of the States of the confederacy, and not from the right decision of such questions as the one now pending. The reception of the votes of a State entitled to vote for the Chief Magistrate of the nation, by whom she, as well as the other States, was to be governed, could never endanger the Union. The result of the late election, he knew, could not be varied by the votes of Michigan; and less hazard would, therefore, be encountered at this time in properly deciding the question upon receiving the votes of States in similar circumstances with Michigan, than at any other time. The case of Missouri, quoted by the Senator from Tennessee in support of the second resolution, was not, upon this point, a case analogous to that of Michigan. Missouri was a State when her electors were chosen, but she was not a State of the Union when the two Houses of Congress assembled to count the electoral votes for President and Vice President. She was not admitted until some months afterwards; but the State of Indiana did present a precisely analogous case to that of Michigan. Indiana, when her electors were chosen, had formed her constitution and State Government; but she was not admitted into the Union until some time in the succeeding December. She became, however, a member of the Union before the electoral votes were counted. When the two Houses assembled, and, in counting the votes, came to those of Indiana, objection was made to their reception. The two Houses separated. Some discussion arose in both on the subject; but, before the point was directly decided by either, a message was sent by the House of Representatives to the Senate, that they were ready to proceed in the count. When they came together again, the votes of Indiana were counted, and recorded among the electoral votes of the other States. Such is exactly the situation of Michigan. But he had not risen to provoke debate. His object was simply to protest against the principle of the second resolution reported by the Senator from Tennessee, and to ask for himself and his colleague the poor privilege of recording their names against it. He did not know that they would be sustained by the vote of any other Senator present.

Mr. CLAY said that the committee had followed exactly the course adopted in the case of Missouri; and the Senators from Michigan would see that there was to be no exclusion of their votes, though no use might be made of them. Whether they were counted or not, the result would be the same. Now, when gentlemen reflected for a moment upon the operations of this Government, the difficulties to be settled, the important questions pending, and especially the one as to the election of a Chief Magistrate, they would see at once the necessity of avoiding doing any thing which would have the effect of creating excitement, or throwing any difficulty in the way at this particular juncture, when they were about to decide on so very important a question as would have to be disposed of on Wednesday next.

With regard, then, to what the Senator from Michigan [Mr. NORVELL] had said as to Michigan being similarly situated to Missouri and Indiana, when they were admitted into the Union, and yet they were permitted to vote, he could not agree with him. The case of Michigan was not exactly that of Missouri, nor that of Indiana. The act of Congress passed admitted her on certain conditions, and, having accepted those conditions, she became a State, and performed all her functions as a State, and had given her votes for President and Vice President; and but for the formality of this resolution, which was deemed necessary by the committee, she was put upon precisely the same footing as the States which had been mentioned. Whilst, then, he admitted there was some slight difference between the case of Michigan and that of Missouri and of Indiana, he could not admit that Michigan should vote, except in the manner pointed out in the resolution; for he thought, under all the circumstances connected with this matter, it would be better to take the course recommended by the committee.

Mr. CALHOUN remarked that, notwithstanding what was said by gentlemen to the contrary, during the debate on the admission of Michigan, they would now see that she was a State, *de facto*, at the time she formed her constitution. Now, if they applied the reason of that case to this, what was the result? Michigan was not a State in this Union when her Senators were elected, nor when she voted for President and Vice President. The case was really a clear one, and any reason which would exclude these votes ought to have excluded her Senators from taking their seats on this floor. He did not believe that doubtful questions of this kind should be waived; and this question should be settled at once. He should, therefore, feel himself bound to vote against the resolution.

Mr. LYON asked what course the committee would have recommended in case the vote of Michigan had varied the result. Would Michigan in such case be deprived of her vote? Mr. L. referred to the vote of Indiana, which, under similar circumstances, had been counted, and contended that Michigan was as much entitled to count her vote as was the State of Indiana. He thought the Senate would not make so unjust a discrimination between the two States as the resolution contemplated, and he would unite with his colleague [Mr. NORVELL] in protesting against it.

Mr. GRUNDY, replied that the gentleman could not expect him to answer a question which the wisest of their predecessors had purposely left undetermined.

What might be done under the circumstances adverted to by the Senator from Michigan, should they ever occur, the wisdom of the day must decide.

Mr. PRESTON concurred in all the views taken by his colleague in regard to this question. He confessed his inability to perceive any difference between admitting the Senators to take their seats in that body, and admitting Michigan to vote as the other States of the Union would vote. Looking at the matter in every point of view, he was willing that she should be allowed to vote.

After a few words from Messrs. WEBSTER, GRUNDY, and CLAY,

The question was taken, and the first resolution reported by the committee was adopted, without division; and the second was adopted: Yeas 34, nays 9, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Moore, Nicholas, Page, Prentiss, Rives, Robbins, Robinson, Sevier, Southard, Swift, Tipton, Tomlinson, Wright—34.

NAYS—Messrs. Calhoun, Fulton, Lyon, Morris, Niles, Norvell, Preston, Walker, Wall—9.

Some struggle took place as to the order of business.

Mr. BUCHANAN expressed his hope that the land bill would be taken up, and some final disposition made of it, so that the other business of the country might proceed.

Mr. WALKER expressed the same desire, and said that it was his intention to move that the bill be recommitted to the Committee on Public Lands.

Mr. WEBSTER inquired of Mr. WALKER whether, in the general bill reported by the latter to-day, there was not one section exactly the same as one of the sections in this land bill?

Mr. WALKER replied in the affirmative.

Mr. WEBSTER then observed that it was contrary to the rules of the Senate that they should have two bills before them at the same time for the same thing. He had no objection, as at present advised, to the principle to which the section related, which was that of the power of a State to tax the public lands within its bounds as soon as sold, and made the inquiry only that the due order of business might be preserved.

The Senate then proceeded to take up

THE LAND BILL.

And the question being on the motion of Mr. WALKER to recommit the bill to the Committee on Public Lands,

Mr. WEBSTER inquired whether the motion had not been to recommit the bill, with all the amendments thereto, which had been agreed upon in the Senate, to the Land Committee.

The CHAIR replied that, by a rule of the Senate, when a bill was recommitted to the committee which had reported it, all amendments dropped, of course, and it went back to the committee in its original form.

A discussion arose on the point of order, which occupied the Senate for a considerable time, but which was finally arranged by the adoption of two distinct motions: one to recommit the bill, (which went back in its naked form;) and another to commit to the same committee the several amendments made thereto, with the understanding that the committee would not, in again reporting the bill, change the great and leading points on which the Senate had come to a deliberate decision; though, on points of minor consequence, and on those not decided, they would be considered as at liberty to modify it at pleasure.

Before the question of recommitment was decided on,

Mr. CALHOUN addressed the Senate. I sincerely hope (said Mr. C.) that the motion for recommitment will not prevail. The session is now far advanced; but a single month more remains, and this bill has already occupied more than its due share of the time and attention of the Senate. The discussion which it has undergone has shown that there exists in this body a great diversity of opinion, not on the details only, but on the principle of the bill. A large portion of the Senate are under the impression that nothing ought to be done; and among the residue who are in favor of some bill, the differences of opinion seem to be irreconcileable. If we recommit the bill, the inevitable consequence will be that we shall have a new set of propositions to amend it, and a vast deal of time will be wasted in vain attempts to reconcile things essentially irreconcileable. For myself, I believe the bill to be radically wrong; and that no modifications which it is likely to assume can ever render it right. I had intended to say something on the general subject, but it is now late, and I forego much of what it was my purpose to have submitted to the Senate. I will, however, as briefly as possible, throw out one or two leading views in regard to it.

The professed object of this bill is to restrict the sales of the public land; to put down speculation, and to prevent the accumulation of a surplus revenue. Plausible objects, I admit, and such as sound well to the ear; but the practical operation of the bill which promises them will, as I apprehend, lead to results very different indeed. So many and so subtle are the means by which those in power are able to fleece the community without the people themselves being sensible of it, that the contemplation of it is almost enough to make any lover of his country despair. I have long been sensible of this; but if I was called upon to select an instance which more than others forcibly illustrates the truth of the remark, I would refer any one who doubted to the present bill. When we closely examine its provisions, we shall perceive that, so far from repressing, its effect will be to secure and consummate the most enormous speculation which has ever been witnessed on this continent. This speculation has been produced by those in power, and the large profits they hope to realize are to be consummated by the passage of this bill. The chairman of the committee himself has told the Senate that a body of the public lands, greater in extent than the largest State in the Union, has been seized upon by speculators. The Senator from Georgia [Mr. KING] states the amount at from thirty to forty millions of dollars. This may be an over estimate, but at the lowest calculation the amount cannot be less than twenty-five millions. What has produced this vast investment? What has thus suddenly rendered the public lands an object of such enormous speculation? What but the state of the currency? Our circulating medium has nearly doubled within the space of three years. It has increased from an average of six dollars and a half per head, to an everage of ten dollars. And what has been the natural and the inevitable effect? The rise in the price of every thing, the price of which is not kept down by some legal provision; the price of provisions and of labor have nearly doubled, while the price of land has continued fixed by force of law. Is it, then, any thing wonderful that land under this restraint should have become an object of speculation? There lies the root of the evil. This enormous augmentation of the circulating medium has filled all the channels of ordinary business to repletion, and the overflow finds an outlet in speculation. But who have been the authors of this state of things? Every Senator can answer the question. Every body knows that it has been the work of those in power. They began the experiment in

1833. They were distinctly told what would be the result. They were warned that bank capital would increase, and with it the circulation of paper money; but in the face of all argument and all warning, the experiment went on. The only existing check which had power to control the excessive issue of bank paper was put down. The deposites of the public money were transferred from where the laws had put them, and placed in deposite banks, arbitrarily selected at the will of the Executive. The authors of the present state of things are the very men who come here and propose to us this bill as a remedy. These two facts should be put together, and should be kept together, in the mind of every Senator who will form a right judgment in this matter. The removal of the deposites was the first step. We are now come to the second step in the process. The men who accomplished the first have already profited by it politically, and, if rumor speaks true, in other ways also. Does any man here entertain a doubt that high officers of Government have used those deposites as instruments of speculation in the public lands? Is not the fact notorious? Is not one in the immediate neighborhood of the Executive among those the most deeply concerned? Will this be denied? Is it not well known that several officers in the Departments purchased lands to sell on speculation, with the funds officially under their own control? How the same combination of persons profited politically by the same movement, I shall show hereafter.

Assuming, then, what cannot be denied, that the excessive increase of the circulating medium produced by the experiment is the main cause of these speculations in the public land, and assuming, on the authority of universal rumor, that high functionaries of the Government have availed themselves of the state of things thus produced, I come now to what is my main proposition, namely, that this bill is calculated to consummate these plans of speculation, and that without this measure, or something equivalent to it, they must end in loss.

[Here some explanation took place between Mr. CALHOUN and Mr. WALKER, as to the statements made by the latter in reference to the probable effect of the rejection of the bill.]

Well, sir, be it as the honorable chairman states. He says now that, if this bill shall not become a law, the purchases of the public land will continue to go on as they have done for the last year. Admit it, and what must be the consequence? Cannot all men perceive that in this, as in all other cases, over supply must operate to reduce the price? The honorable chairman tells us that the amount of land required for fair and honest settlement, by the progress of the country, is five millions of acres annually; and that the amount taken upon speculation last year was thirty millions. If so, then there is already in the hands of the speculators a six years' supply. Should all the land offices be closed to-morrow, the amount these speculators hold would not be absorbed by the regular demands of the country in less than six years. Now, the greater part of these large purchases have been made upon loans; the interest is running on; and unless the sales shall be in proportion, do not all men see that the accumulation of unproductive land upon their hands must infallibly ruin those who are engaged in such speculations? Under such circumstances, the help of legislation is the only thing that can relieve them. I repeat it. This bill, or something like it, is indispensable. It puts a finish to the work. The land offices being left open, and no obstructions thrown in the way of the purchase for settlement, we may suppose that one half of the five millions annually required will be purchased from the Government. There will then remain but two and a half millions to take off the thirty millions stock which the speculators already hold; and at this rate it must be twelve years before that stock can be disposed of; and if the stock is to be augmented by new and large purchases during the present year, the speculation must end in inevitable ruin. The thing is plain; it cannot be denied; it admits of no demonstration.

What, then, is resorted to to prevent this disastrous catastrophe? The answer is found in the details of this bill. And I entirely concur with the Senator from Massachusetts [Mr. DAVIS] in pronouncing them most odious in their character. No American citizen is to be left free to purchase a portion of the public domain, the property of the whole people of the United States, without a license. Yet, before he can buy the land which his own Government has offered for sale, he must first take out a license. Odious as I hold all licenses upon the press or licenses upon trade, I hold this to be fully as obnoxious as either. A license to purchase the public lands! I cannot buy myself a farm, though I have the money in my pocket, till I pay a dollar and a quarter per acre for a license, and then I do not get a title until I have complied with the most onerous conditions; and if, after I have paid my money, I see reason to change my mind, I cannot leave the land without forfeiting all I have paid, if I find the situation to be sickly. I cannot remain there without risking the lives of my family; I cannot sell it to one more accustomed to the climate, without incurring the pain of perjury as a speculator; nor can I remove without forfeiting the purchase money. But supposing the settler remains, he is required to consummate his title, not in a court of law or before a judicial officer, but before the register and receiver of the district. I do not know how Senators from the new States may feel, but this I know, that nothing under heaven shall induce me to place Carolinians in such circumstances. The registers and receivers of a land office to be judges in matters of real estate! Why, sir, these persons, for the most part, are political partisans. They have obtained their offices as a reward for services rendered at the election. Has not the doctrine of the spoils been openly avowed on this floor? Has it not been unblushingly maintained that the party which obtains a political victory has, as a thing of course, a right to all the offices of the State, and to the public money into the bargain, so that they may control it entirely for their own benefit? I have a right, therefore, to assume that, as a general thing, these registers and receivers will be political partisans. What, then, will be the condition of a large portion of our citizens? Allowing the consumption of public lands to be two and a half millions of acres a year, you will have about a hundred thousand voters, the title to whose earthly all will be in the hands of these registers and receivers. Can any thing be conceived more odious? Would the license of the press itself be a measure more hateful or dangerous? Sir, we have spent too much time in considering so monstrous a proposition. I hope we shall not waste upon it another moment.

But, putting the political effects of this bill out of view, let us inquire what will be its moral influence. The Senator from New York [Mr. WRIGHT] told us that he considered the price of public land as already too high, and that he was averse to placing it still higher. Sir, these were his words; but let us look at the face of the bill; its practical effect will be an enormous increase in the price to be paid for the public domain; I put to any man of sound common sense, whether he had not rather give two dollars an acre at once for his farm, and get a good title for his land without further difficulty? I would, most certainly. Consider the terms on which he must buy: the moment he enters his land under this bill, it becomes subject to State taxation; but if he buys from the speculators it will not be so. The entire mass of land purchased last year, and including some of the best parts of the public domain, is now held for sale free of

taxation, while land purchased from the Government must immediately be taxed. What chance will the United States lands have against such a competition? None at all; the speculators will have the complete monopoly. This, then, is a question between the Government and the speculators. Our stock is one hundred and twenty millions, theirs is thirty millions; our land is at a dollar and a quarter, theirs is at not less than three dollars; and here is a fair competition. But this bill comes in, and throws the market into the hands of the speculators. In any other than these extraordinary times, one would suppose that these objections must be fatal to any bill. It is most obvious that unless you throw restrictions round the purchase of land from the United States, the object of the speculators must be defeated.

But we are asked, what is to be done with all this speculation? I answer, let it alone, and it will run down of itself. The times will react—the present state of things is artificial—it cannot possibly continue. Speculation, after it has run its course, will run down, and that with far less injury than will result from any attempt to put it down by legislation. If, however, you do legislate, there are many expedients besides that proposed in this bill. In the first place, you may raise the price of the public lands. This, to be sure, will confer a great benefit on those who have already purchased; but it will check future speculation. I have, however, no idea that any such measure will be resorted to; it would be very unpopular; and the object which gentlemen have in view must be secured without the loss of personal popularity. Then, in the second place, you may shut the land offices. This expedient, however, would be liable to the same objections with the other; for you can hit upon none which will not either be inoperative altogether, or of great advantage to those who have already purchased. My opinion, in regard to the public lands, has undergone a great change during the course of this debate. I thought there was a majority in this Senate who would resolutely object to all rash changes in our land system. I hoped, most confidently, that New England at least would have stood fast. I have been disappointed. I hoped that the public lands would not be drawn into our political contests. But in this, too, I have been entirely disappointed. I see that the era has arrived when our large capitalists are in a fair way to seize upon the whole body of the public lands. This has compelled a great change to take place in my mind. I greatly fear that we have reached the time when the public domain is lost to the Government for all useful purposes. We may, indeed, receive some amount of revenue from it, but it will be accompanied with such agitations, and so much trouble and political corruption, that the gain will not compensate for the evil incurred. I have made up my mind, if a fair concession can be made, to concede the whole to the new States, on some fixed and well-considered condition. I am for transferring the whole, on the condition that they shall pay us a certain per cent. of the proceeds, and submit to the necessary limitations as to the mode of bringing the lands into the market. The present system of sale not to be disturbed for some years, and after that the principle of graduation to be prudently introduced. I have always felt the force of the argument that the new States are not now placed upon an equal footing with the other members of the confederacy. They are full of our land officers and of public officers under our control; and in regard to the soil within their limits, they sustain to us a relation which must ever be productive of discontent and agitation. Whether a thing of this kind can safely be done, I do not know; but of this I am fully persuaded, that such a measure would be infinitely better than the scheme proposed in this bill. The chairman of the Committee on the Public Lands has avowed his own earnest belief that the evils of the existing state of things are such that even a bill like this should be resorted to as a preferable alternative. He considers a surplus in the Treasury as a great evil; (and so do I, too, if it is to be permanent.) And his dread of a surplus is so great that it has prevented him from regarding the details of this bill as I am persuaded he would have done, but for the bias thus produced.

With these views, I conclude by expressing my hope that the bill will not be recommitted, but that we shall either reject it, or suffer it to sleep by laying it upon the table.

The question was then taken on the recommitment of the bill, and decided in the affirmative: Yeas 23, nays 20, as follows:

YEAS—Messrs. Benton, Black, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Rives, Robinson, Ruggles, Sevier, Walker, Wright—23.

NAYS—Messrs. Bayard, Brown, Buchanan, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Kent, Knight, Morris, Prentiss, Preston, Southard, Swift, Tipton, Tomlinson, Wall, Webster, White—20.

On motion, the Senate adjourned.

MONDAY, FEBRUARY 6.

ABOLITION OF SLAVERY.

Mr. TIPTON said that he was requested to present to the Senate two memorials, signed by citizens of Carroll and White counties, in the State of Indiana, praying Congress to abolish slavery in the District of Columbia. These petitions (said he) are printed papers, couched in language both decorous and respectful, and signed by citizens of great respectability. I acknowledge (said Mr. T.) the right of the people to petition Congress for a redress of their grievances, and I feel it to be my duty, as one of their representatives on the floor of the Senate, to present their petitions, and to ask for them a respectful consideration; but I feel it to be due to the petitioners, to the Senate, and to myself, to state, respectfully but firmly, that my reflections on this subject have brought me to to a conclusion very different from that which they seem to have arrived at.

I am unable to perceive, sir, whence it is that Congress derives the power to interfere with slavery in the District of Columbia. Our forefathers, in framing the federal constitution, recognised the existence of slavery in a portion of the States of this confederacy, by permitting slaves to be enumerated in apportioning representatives on the floor of Congress. Every attempt made by citizens of the non-slaveholding States to disturb the rights of our neighbors to this species of property distracts the peace of the country and endangers the existence of the Union.

It is contended that Congress has exclusive legislation over the District of Columbia. If that be granted, it is but a delegated and limited power, not original, derivative. Slavery existed in Virginia, Maryland, and other States, before the federal constitution was adopted; slavery then belonged exclusively to the several States, and there it still remains; their entering into the Union did not yield to the Federal Government any right to interfere with the question of slavery within the States or in this District. The States of Virginia and Maryland ceded to the Federal Government this ten miles square, called the District of Columbia, for a seat of Government, and granted to Congress exclusive legislative powers over it for that purpose. This power was given to Congress by the States for special purposes, and is limited, from the very nature of the grant. Congress cannot abolish the right of trial by jury, abridge the liberty of

the press, nor establish a national church, in this District, any more than in any of the States; nor do I believe that Congress has a right to interfere with slavery in the District, while Virginia and Maryland continue to be slave States.

Were it possible that the petitioners could effect their object, and abolish slavery in the District of Columbia, they would erect a receptable in the midst of two slaveholding States for fanatics, abolitionists, and runaway slaves, who would, from their stronghold here, spread dissatisfaction, death, and destruction, through the surrounding country. Could the States who ceded the District have anticipated such a result, they never would have ceded it to the United States. Mr. T. said he was happy in being able to state to the Senate that there were but thirty-three names signed to these petitions, and that he hoped and believed that there was but a small portion of his constituents in favor of the course that the petitioners recommended; that he thought it was best to meet this question fairly; and, taking the suggestion of an honorable Senator from Virginia, not now here, [Mr. Tyler,] he would move to refer these petitions to the Committee for the District of Columbia. Let that committee give us a report that will present a full and fair view of the subject. This, he thought, would quiet the public mind. This course was adopted some years ago, when Congress was overrun with petitions for stopping the mail on Sunday. The memorials were referred to the appropriate committee, and one able report from the chairman of the committee had put that exciting subject to rest, as he hoped, forever.

Mr. CALHOUN expressed the hope that a question would be made on the reception of the petitions. He insisted that, if an objection should be made to the reception of a petition, it was the rule, and for forty years had been the practice of the Senate, to take the vote of reception, without a motion not to receive. He read the rule on this point, which stated that, if there was a cry of the House to receive, and no objection should be made, or if the House were silent, the reception would take place of course. Otherwise, a vote must be taken on its reception. Mr. C. said he had in vain insisted on this at the last session. He hoped the Chair would now sustain the rule, before Mr. C. would be compelled to move a non-reception.

Mr. EWING, of Ohio, said he supposed the question before the Senate was, as a matter of course, whether the petition should be received.

The CHAIR was understood to say that the practice which thus rendered a simple objection nugatory, and required a motion not to receive, was erroneous.

Mr. EWING. Such is my opinion as to the rules of this body. But I rise to express my regret that any objection is made to the reception of these petitions. I last year expressed a most decided opinion against the passage of a law which should carry into effect the prayer of these petitioners; and my opinion is still unchanged. I am a citizen of a State in which slavery is not admitted, and all my habits, and feelings, and opinions, are averse to it, both in principle and practice; but I did not then think, and I do not now think, that our National Legislature ought to interfere with the subject. They ought not to interfere with it, for it would exacerbate sectional feelings, which ought to be assuaged rather than excited; and, in justice to the people of the District itself, it ought not, for they are in the midst of a slaveholding population, surrounded with it on all sides. They themselves have been bred up in the same habits. We cannot, therefore, as just legislators, act for these people in a most important matter, involving their social condition, according to the opinions and wishes of those who are entire strangers to them and their condition, and against their own feelings and will. We did not receive a cession of this territory from the States to which they belonged for any such purpose; nor would such a measure be an act of humanity toward the slave, but the reverse. It would not give liberty to one human being. If such a law were about to pass, all the slaves in the District would be hurried out of it, and sold to the rice and sugar planters in the South; so that the cause of humanity would not be subserved by it. I have therefore been, and am still, opposed to the prayer of these petitioners.

Having expressed once more my views on this subject, I will further say that, in my opinion, great injustice has been done to these petitioners, here and elsewhere. They are not incendiaries, but an orderly, quiet, conscientious part of the community. The opinions which I expressed last year—the same which I now briefly repeat—went abroad to them, and were not, as I ever heard, objected to; they allow the same freedom of opinion which they demand, and which I claim for them; and let me add that they are much mistaken who expect to put down opinion by harshness or proscription. The refusal to receive these petitions is considered as a denial of a constitutional right, and the tendency of our course here is to blend the constitutional right of petition with the abolition of slavery in the District. The effect of this is easily foreseen.

I hope, sir, that these petitions will be received, and referred in the ordinary way, and that a report containing reason and argument will be made by that committee, and go abroad to the people. It would have a better effect on the public mind than harshness either of action or expression here.

Mr. TIPTON said, when he presented the memorials, he thought the usual course would be pursued; but he was satisfied with the decision of the Chair.

Mr. MORRIS, in order to obviate any possible difficulty, moved that the petition be received.

Mr. SWIFT said he thought the same respect ought to be paid to petitioners on this as on any other subject. The kind of opposition which these petitions had met with on their presentation had very much increased the excitement, instead of putting it down; and he therefore regarded it as an improper course, if such were the object.

In Mr. S's State, these petitioners were among the most respectable; and he therefore felt unwilling to have them branded here as fanatics and incendiaries. They might be mistaken; but they were as intelligent and honest as any other people.

Mr. CALHOUN expressed his satisfaction at the decision of the Chair. He hoped the old mode, which had been uniformly practised till within five or six years, would now be pursued.

The CHAIR was understood to say that an objection was alone sufficient to produce the question on reception.

Several petitions were then presented on the same subject—

By Mr. MORRIS: A petition from 2,265 ladies of Ohio; a petition from 3,710 electors of the State of Ohio; a petition from 780 electors of Cuyahoga county, Ohio; a petition from a number of the electors of Laporte, Indiana; also, two petitions from the State of Tennessee, one from 108 ladies and the other from 107 men; all praying for the abolition of slavery and the slave trade in the District of Columbia.

Mr. GRUNDY asked the gentleman from Ohio [Mr. MORRIS] to file with the petitions the letter which enclosed to him the two from Tennessee.

Mr. MORRIS said that the Tennessee petitions were enclosed in a letter from the State of Tennessee, to a citizen of Ohio, by whom they were enclosed to him.

Mr. WHITE asked for the name of the person in Tennessee who had enclosed the petitions to Ohio.

Mr. MORRIS did not recollect the name, and had not brought the letter with him. He did not know the person who wrote the letter, but had noticed that it was post-marked in Tennessee. As to the citizen of Ohio who had enclosed the petitions to him, he had been assured by a member of the other House, who knew him, that he was a man of the highest respectability, and that his word might be perfectly relied on.

Mr. BUCHANAN said he had five memorials to present, from two hundred and twenty-nine ladies of Bucks county, Pennsylvania, and two memorials from sixty-one of the inhabitants of the city and county of Philadelphia, asking Congress to abolish slavery and the slave trade within the District of Columbia.

Whilst presenting these memorials, he would say that, in taking a retrospect of the course which he had pursued at the last session in relation to this subject, it now met his entire and cordial approbation. He believed that the discussion which then took place in this body had been of essential service in directing the public mind to this question. Its true nature was, he thought, now well understood in the State which he had, in part, the honor to represent. He was convinced that, at this time, true policy would forbid any further discussion of this question. We should now avoid excitement, and leave the question to the sober good sense of the people.

He would vote in favor of receiving these memorials, and, after they were received, he should move to lay them on the table. This motion would preclude discussion, and that was what he desired. If, however, a majority of the Senate should prefer again to reject the prayer of these memorials, and any Senator would make that motion, he should again cheerfully vote as he had done before. But such a motion might lead to a protracted debate, which he thought ought to be avoided. For himself, he had now said all he intended to say on this question during the present session.

Mr. MORRIS said the course with which the Senator from Pennsylvania had just expressed himself satisfied had greatly increased the number of such petitioners in Ohio, and had caused the organization of abolition societies in almost every county in the State, all contending for the right of the petitioners to be heard, although many disagreed as to the object of the petitioners. Mr. M. urged that the best and only way to quiet agitation on the subject, and prevent the increase of abolitionists, was for a committee to make a full report, which might be distributed over the country. Mr. M. would vote to print any number of such a report. The people of the West, he maintained, were a reflecting, reading, thinking, judging, prudent people; and the great body of these petitioners, as far as he knew them, were professors of religion, who acted on conscientious principles; and it was impossible to turn aside their zeal, even if it was misdirected, by merely refusing to hear them and answer their requests.

Mr. M. declared his belief that not one of the petitioners wished for the abolition of slavery by force or violence. On the contrary, citizens of the free States would be ready to aid in suppressing any such violence in their sister States. Still it was impossible to stop the progress of human inquiry on this as on every other subject; and the public mind ought, therefore, as far as possible, to be enlightened.

Mr. HUBBARD remarked that he extremely regretted that this subject had been brought before the Senate at this late period of the session. It must be recollected that a very decisive vote had been given in this body, at the last session, expressive of their determination not to act upon petitions of a character similar to those which have just been presented; and he could not but feel a deep regret that this subject was now brought forward—a subject calculated to produce great excitement, here and elsewhere.

But as members of this Senate had been charged with the presentation of memorials, he could not but regret that the honorable Senator from South Carolina had interposed any objection to the reception of these memorials. He believed that the course pursued at the last session was the proper and correct course; and that he fully concurred in the views of the Legislature of New Hampshire in relation to this absorbing subject. When he rose to address the Senate, he supposed that he had in his drawer a paper containing a printed copy of a preamble and resolutions which had been adopted by a great majority of the Legislature of his native State. He intended to have called for their reading, as the preamble and resolutions very fully express his own sentiments and his own feelings, but he had not been able to put his hand upon the paper; and as not many days can elapse before he can be furnished with an official copy of the document to which he had referred, he would, on presenting them to the Senate, avail himself of the opportunity to express his concurrence therewith. He had no doubt as to the course the Senate ought to pursue. His own views upon this subject he had very fully expressed at the last session of the Senate. He had reflected upon the opinions he then advanced, and he had seen no cause for regret at the grounds then taken by him.

He then believed, and he still believes, that no beneficial results would attend the action of Congress upon the subject of slavery in the District of Columbia. In his opinion, an evil rather than a good, would be the effect of any action on the part of Congress. He was so well satisfied with the disposition of the memorials presented at the last session, for the abolition of slavery in this District, that if the memorials now presented should be received, and his friend from Pennsylvania should not renew the motion which he then made, to reject the prayer of these petitions, he would himself present such a motion as a motion to lay the whole mass on the table.

Mr. CALHOUN said he thought it very desirable that the Senate and the South should know in what manner these petitioners spoke of Southern people. For this purpose he had selected, from the numerous petitions on the table, two, indiscriminately, which he wished the Secretary to read.

[These two petitions were read, and proved to be rather more moderate in their language than usual.]

Such is the language (said Mr. C.) with which they characterize us and ours. That which was the basis of Southern institutions, and which could not be dispensed without blood and massacre, was denounced as sinful and outrageous on the rights of men. And all this was proclaimed, in the Senate of the United States, of States that were united together for the purpose of maintaining their institutions in a more perfect manner. Were Southern members to sit quietly and hear themselves denounced in this manner? And if they should speak at all under these circumstances, were they to be denounced as agitators? This institution existed when the constitution was formed; and yet Senators would not only sit and receive them, but were ready to throw blame on those who opposed them.

Mr. C. said he did not belong to the school of those who believed that agitations of this sort could be quieted by concessions; on the contrary, he maintained all usurpations should be resisted in the beginning; and those who would not do so were prepared to be slaves themselves. Mr. C. knew, and had predicted, that if the petitions were received, it would not avail in satisfying the petitioners; but they would then be prepared for the next step, to compel action upon the petitions. Mr. C. would ask Southern gentlemen if they did not see the second step prepared to be taken, not only that the petitions should be received, but referred.

Mr. C. had told Mr. BUCHANAN and his friends, last

year, that they were taking an impossible position; and had said that these men would, at this session, press a reference. Were we now to be told that this second concession would satisfy this incendiary spirit? Such was the very position (a reference) at which the other House arrived at the last session. Had they at all quieted the spirit of abolition? On the contrary, it had caused it to spread wider and strike its roots still deeper. The next step would be to produce discussion and argument on the subject. Mr. C. insisted that the South had surrendered essentially by permitting the petitions to be received. He said it was time for the South to take her stand and reject the petitions. He conscientiously believed that Congress were as much under obligation to act on the subject as they were to receive the petitions; and that they had just as good a right to abolish slavery in the States as in this District.

Mr. C. said the decision of the Chair settled the question that the Senate had a right to refuse to receive the petitions; for, if they had a right to vote at all on the subject, they had the right to vote in the negative; and to yield this point was to yield it for the benefit of the abolitionists, at the expense of the Senate. But it was in vain to argue on the subject. Mr. C. would warn Southern members to take their stand on this point without concession. He had foreseen and predicted this state of things three years ago, as a legitimate result of the force bill. All this body were now opposed to the object of these petitions. Mr. C. saw where all originated--at the very bottom of society, among the lowest and most ignorant; but it would go on, and rise higher and higher, till it should ascend the pulpit and the schools, where it had, indeed, arrived already; thence it would mount up to this and the other House. The only way to resist was to close the doors; to open them was virtually to surrender the question. The spirit of the times (he said) was one of dollars and cents, the spirit of speculation, which had diffused itself from the North to the South. Nothing (he said) could resist the spirit of abolition but the united action of the South. The opinions of most people in the North and South were now sound on this subject; but the rising generation would be imbued by the spirit of fanaticism, and the North and South would become two people, with feelings diametrically opposite. The decided action of the South, within the limits of the constitution, was indispensable.

Mr. TIPTON expressed his surprise at the remarks of the Senator. He thought there was nothing in the petitions which had been read to produce such feelings. He called for the yeas and nays on the question of reception; which were ordered.

Mr. BAYARD moved to lay the question of reception on the table, after remarking that he believed this was the method which had been usually pursued.

This motion was decided by yeas and nays, on the call of Mr. MORRIS, as follows:

YEAS--Messrs. Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Linn, Lyon, Moore, Mouton, Nicholas, Norvell, Page, Preston, Rives, Robinson, Ruggles, Sevier, Strange, Walker, White, Wright--31.

NAYS--Messrs. Davis, Ewing of Ohio, Hendricks, Knight, Morris, Niles, Prentiss, Robbins, Southard, Swift, Tipton, Tomlinson, Wall--13.

Mr. DAVIS presented about forty petitions on the same subject, from Massachusetts, and one from Philadelphia, and moved their reference.

The CHAIR stated the question to be on their reception.

Mr. BAYARD moved to lay the question on the table; which was done accordingly.

Mr. MORRIS presented a petition from abolitionists in Ohio, which he said he had received during the preceding debate; and having moved that it be received, read, and referred, with instructions to the committee to report on various points which he specified,

Mr. WHITE remarked that the two petitions from Tennessee, which Mr. MORRIS had before presented, did not originate in that State. In one of them, the word "Ohio" had been erased, and "Tennessee" substituted; and the place in the other was left blank, so that it might have come from any State in the Union.

Mr. KING, of Georgia, said he barely wished to correct an impression of the Senator from South Carolina, [Mr. CALHOUN,] that there was a material difference between the action on the petitions at this session and the last. A great proportion of the petitions at the last session were laid on the table precisely in the same manner as had just been done on motion of Mr. BAYARD. The question of reception at the last session was not, at first,, discussed at all. But when the question on reception was taken, Mr. K. had voted in favor of receiving the petitions, and he should still do so if the question should arise. He thought the Senate ought to take a ground on which they could stand with all parts of the country. Southern Senators, he said, had been accused of becoming recreant to the rights of their constituents. But the reception, he maintained, was a mere matter of form, to satisfy the constitutional scruples of some of the Senators.

Mr. CALHOUN said he, for one, was extremely pleased with the decision of the Chair, (that a mere objection required a vote on the reception of the petitions.) But he ought to go further, and put the question of reception, whether the petition were objected to or not. According to the rule, he said, the burden of making a motion to receive should fall on those presenting the petitions. Mr. C. had formerly pressed the Chair twice on this point, but was then overruled. The question was, whether we were bound to receive the petitions by the constitution. That question the Chair had now yielded, and had admitted that it was in the power of the body itself to say whether or not the petitions should be received.

Mr. C again argued that, if Congress were bound to receive petitions, they were equally bound to refer and act upon them.

Mr. SOUTHARD, after adverting to the deep feeling which was always excited in his mind when this subject came up for discussion, observed that it was a great error on the part of Southern gentlemen not to separate in this matter things which should never have been united. Some of these petitions related to the abolition of slavery in the District of Columbia, while others prayed for the prevention of what they denominated the slave trade in that District. The two questions were entirely different, and ought not to be blended together. Mr. S. then adverted to the practice of slave-dealers resorting to this District, and making it a mart for their traffic, in the conducting of which great abuses were perpetrated, both in the sale of slaves who had been stolen from their masters, and of others who never had been enslaved before. Mr. S. sought no interference with that relation of master and servant which was recognised by the laws of some of the States, and was protected by the constitution. But into the latter question he was willing to look, not as a Northern or as a Southern man, but in relation to the great principles of government and of the Federal Union. In this he was but following the lead of gentlemen from the South. It was from them that the proposition had first come; and the suppression of crimes of this kind, instead of aggravating those evils which the South most feared, would go far toward allaying the spirit which sought to interfere with slavery in the Southern States. The abuses he adverted to would

never be tolerated at the South; why, then, should they be suffered here?

Mr. PRESTON replied with great warmth, and insisted that the distinction made by Mr. SOUTHARD was a distinction without a difference. He objected to all interference with the subject in any shape. The proposition was delusive, and he regretted that it had been advanced by the Senator from New Jersey. The South was sore on the subject. The attacks made upon them were violent and incessant. Their nerves were irritated. Propositions to meddle with the slave trade in the District were but an entering wedge. If Congress once tampered with the rights of slaveholders at all; if the subject got the least foothold in the Senate, he would not give a rush for the rights of the South. He complained of the imputations cast by implication, in these petitions, on the people of the South, as violators of the laws of God, and living in open vice and wickedness, practising a standing sin, corrupting their own morals and those of their children. He considered himself as involved in the general denunciation. The charge was individually insulting, and was utterly false and calumnious, whether in its general or particular application. He denied that the language of the petitioners was respectful and decorous; it cast foul and false aspersions on him and his constituents, and ought not to be admitted into the Senate. He would not stoop to argue the truth of the charge; he pleaded to the jurisdiction; the Senate had no right to entertain it; the South would not consent to be arraigned at this bar.

Mr. SOUTHARD defended the position he had taken. In the vehemence of feeling, men were often unable to see distinctions that were sufficiently obvious and palpable in their cooler moments. He appealed to the whole history of his life, to show that he had not advocated the principles of the abolitionists. He had cast no imputation whatever on the people of the South. He again adverted to the course of distinguished Southern gentlemen in reprobating the manner in which the traffic in slaves was conducted within the District, and even to bills which had been introduced by them into Congress for the purpose of suppressing it. All he asked was, that two propositions, so entirely distinct as the abolition of slavery in the District and the suppression of crimes and enormities in the traffic in slaves, should be kept distinct from each other. The one he would not touch, and had always refused to touch; but on the other he was prepared to act. He complained that his proposition had been represented as delusive, and utterly disclaimed all intention of a gradual interference with the rights of the South.

Mr. PRESTON admitted that Southern gentlemen, especially Mr. Randolph, had taken the ground adverted to, but he strenuously insisted on the difference of circumstances. The country had not then been filled with abolition principles; and what might then have been done very safely, would now be dangerous in the extreme. Nothing could be done on the subject of slavery in the District that would not immediately affect all the South. He knew nothing of the abuses to which Mr. SOUTHARD referred; but he knew how the persons who got up these petitions were skilled in dwelling on themes of that kind, and in presenting false and exaggerated pictures, with a view to rouse the feelings of the community, and inflame the fanaticism which was so widely kindled. Sure he was that, if Mr. Randolph could now be on that floor, he would be the very last man to advocate a tampering with this subject.

Mr. BAYARD observed that it was very apparent that this was an exciting subject, and he had made the motion to lay on the table with a view to avoid the two questions of the right of petitions being received. The constitution, as at first draughted and presented to the States, said nothing about the right of petition; nor need it, for that right did not depend on the constitution, but must pertain, of course, to every people under a representative Government of any form. But, when the constitution was reviewed, a clause was inserted, not to confer, but to guard, this right of petition. It did not declare that the people had the right to petition, but it prohibited Congress from passing any law to prevent them from assembling and exercising that right. Mr. B. then made some observations on the rules of the Senate in reference to the reception of petitions, and quoted the journal to show that, under the rule, the question of reception might be raised, if any member chose to call for it. The presentation of a petition was in itself, virtually, a motion that such petition be received, and, if no objection was made, the reception followed of course, and the petition might be referred or disposed of as the Senate thought fit. But if any one objected, the question of reception must be put, and that question was subject to be laid upon the table. Mr. B. concluded by moving to lay the question of the reception of the petition now before the Senate upon the table. He withdrew the motion, at the request of

Mr. WEBSTER, who wished to present some petitions with which he had been charged on the same subject, so that the whole might be included under one. Having presented several petitions, he stated that the petitioners were undoubtedly of the opinion that these ten miles square were the common property of the people of the United States; that they had a common interest in its condition, and in the character of its legislation; and he repeated the sentiment which he had often before expressed, that the prudent and expedient course would have been to refer these petitions to the Committee for the District, and let that committee present a report upon them. As to the right of petition, the gentleman from Delaware was certainly right; nor did the right of reception rest on any rules of the House; it had a deeper foundation in the right of citizens to address their Government on what they conceived to be grievances. The right of petition, though more emphatic in a republic, belonged to the people under all Governments, unless, indeed, a Government like that of Turkey; for even Governments usually denominated despotic were supposed in theory to be formed for the good of the people, and to proceed from them. It was obvious enough that the relation of Congress to the people of the District was peculiar, and its inhabitants very naturally thought that, in a matter which immediately concerned themselves, it was fit that they should take the lead. Most of the petitions referred to two objects: one was the total abolition of slavery in the District, the other was the regulation of abuses connected with it, some of which were extremely offensive to the moral sense of the community. As the subject was one of common interest, if a petition was decorous in its language, it was the right of the petitioners to have it received and considered, not to have it filed away, and a resolve immediately passed not to consider it. Such a process was not in any proper sense the receiving of the petition. The receiving virtually involved some consideration, and he could not see how the Senate fulfilled its duty unless this was done.

Mr. BAYARD further explained the ground he had before taken. While the people under every representative Government had a right to petition, the Legislature had a right to judge of the petition, when received. Suppose a petition should be presented to Congress, praying them to pass a resolution that there is no God, or that the President of the United States be beheaded, or any other request equally extravagant, would the Senate be obliged to entertain it? Certainly they had a right to exercise a sound discretion in the case, and that for this reason: these petitions did not possess the dignity and authority of having emanated from the majesty of

whole people. It was assuming too much to say that they spoke the voice of the people. They were sometimes signed by several thousand petitioners; but what was this, in comparison to the people of the United States? If the whole people spoke, Congress would have no discretion in the matter.

Mr. CUTHBERT said that he had entertained the hope that the first decision in reference to these petitions would have been the last. He had hoped that they would all have been suffered to accumulate, and that one decision would have settled the whole. He regretted to find that there was a *corps de reserve;* that some had been kept back by the gentleman from Massachusetts, in the same manner as had been done by him last year.

Mr. WEBSTER explained, and observed that he had not been in his seat when the petitions had been presented in the morning.

Mr. CUTHBERT said that so far, then, he withdrew the charge; but he proceeded to refer to certain resolutions which had been adopted in Boston, in 1819, in which that gentleman had been concerned; one of which declared that Congress had authority to act on the subject of slavery in the District of Columbia, and the other that Congress had power to regulate the transfer of slaves from one State to another. He adduced this to show that propositions on this subject did not stand insulated, but as fast as one was yielded another was pressed on. Was it surprising that the indignation of the South should be raised to the highest pitch on witnessing the commencement of a course which was to end in the ruin of the country? It was alleged, indeed, that there were some points on which Congress might act without leading to that train of evils so justly apprehended by the people of the South. But he appealed to every Southern Senator to say whether Congress could touch the smallest mite connected with the entire subject, without sending a thrill of dread and horror through all the South. All who understood the human heart must be aware that when a great and widely diffused scheme of alleged improvement was on foot, the smallest acquisition could not be made without exciting a hope among its advocates of final success. The very smallest concession by this body, in reference to slavery, would immediately be made to ring through the Union; yes, through the world, as giving ground to expect that the abolitionists would at last gain all that they sought. The cry would be raised, we gain one point to-day, and another to-morrow; and the slaveholders concede one thing after another, until the great, the long-sought, the inappreciable benefit of liberating the last slave will have been accomplished. And were gentlemen prepared to sow that seed, the harvest of which must be universal blood and devastation?

Mr. C. took another view. Since the agitation of the abolition doctrine, there had been established a medium of intercourse with the slaves of the South, through which they were made to understand whatever is done in Congress. Take one step in this matter, and could any one satisfy the slaves that that step would be the last? It was impossible. The least tampering with the subject would excite apprehensions in the South which nothing could allay; would raise hopes at the North which nothing could quench, and would excite in the body of the slaves themselves expectations which must render them restless and discontented. He concluded by urging a total abstinence from all interference with the subject.

Mr. WEBSTER, after referring to what had been said as to keeping back petitions, and observing that he presumed Senators were at liberty to choose their own time for attending to their own matters, and regulating themselves by their views of the convenience of the Senate and the despatch of public business, went on to speak of the resolutions to which Mr. CUTHBERT had referred. He had no recollection of the circumstance alluded to, or of what the resolutions contained; but there was not in his mind a particle of doubt that Congress had an unquestionable right to regulate the subject of slavery in the District of Columbia, simply because they constituted the exclusive Legislature of the District. It appeared to him little short of an absurdity to think that there were certain subjects which must be tied up from all legislation. And as to the other point, the right of regulating the transfer of slaves from one State to another, he did not know that he entertained any doubt, because the constitution gave Congress the right to regulate trade and commerce between the States. Trade in what? In whatever was the subject of commerce and ownership. If slaves were the subjects of ownership, then trade in them between the States was subject to the regulation of Congress. But while he held this opinion, he had expressed none on the one side or the other as to the matter of expediency. He thought that ought to be discussed by those who were most concerned in it. A strong appeal had been made by the Senator from South Carolina [Mr. CALHOUN] on the moral and religious aspect of this subject. The petitioners, he believed, felt fully aware of the extent of those considerations; but while he held the right of Congress to act on these petitions, he thought the more prudent course would be simply to refer them; and so as to the other subject, far be it from him to say that it was expedient for Congress to interfere, and to attempt to regulate the commerce in slaves between the States. It may have been discussed so far as related to the passage of laws to prevent slaves from running away, or restore them when they had.

[Mr. SOUTHARD was here understood to say that laws had repeatedly been passed on that subject.]

Mr. W. then asked whether, instead of exhibiting so much indignation that he should in 1819 have had any thing to do in carrying such resolutions as had been referred to, it would not have been better to show that the constitution, in speaking of trade and commerce between the States, did not mean to include slaves? While so much pains were exhibited to resist information on one side, there should not be pains to misrepresent on the other. To maintain the right of Congress was one thing, to hold the expediency of exercising it was another.

Mr. CUTHBERT replied, and said that the country now knew what were the sentiments of the gentleman from Massachusetts, and it would be impossible for him to give any other cast to them than an encouragement to legislation on the subject of slavery. The time and the circumstances under which the resolutions were adopted rendered this impossible. They had been passed in 1819, just after the issue of the Missouri question; taken in connexion with the time and the circumstances, the doctrines in the resolutions were calculated to revolt the whole Southern States, nay, to revolt the entire Union.

Mr. WEBSTER called upon the Senator to remember that he had not admitted that the doctrines referred to were contained in those resolutions.

Mr. KING, of Georgia, made a few remarks, the object of which was to show that the right of petition in the people was perfectly compatible with the rules of Congress as to the consideration of petitions, when presented; in illustration of which position, he referred to a petition recently presented by the authors of Great Britain, on the subject of copy-right. There was no obligation on the part of Congress to receive memorials; it was wholly discretionary; and so it might be in a multitude of other cases. On the general subject, all the South were perfectly agreed. Whatever he himself possessed of earthly good was connected with the tenure of slave property, and he perfectly agreed with the gentleman

from South Carolina [Mr. CALHOUN] as to any interference with it.

Mr. RIVES said he had witnessed the whole course of this discussion with great pain and mortification. He did not say which side was to blame, but he could not help observing that gentlemen from non-slaveholding States stood in a very different position from their Southern brethren. They might sit with great coolness, and indulge all the delicacy of their feelings with impunity. They had no cause to be disturbed in relation to their own communities; but when they came on that floor, and gratuitously put forth their notions on a subject which so deeply concerned others, he contended that they were aggressors, and that gentlemen on the other side were acting on the defensive. To present a petition, if respectful in its language, was a duty which Senators were bound to perform; but when, not satisfied with this, they came forward and volunteered their own views on so hazardous and delicate a subject, and claimed for this Government new powers, the calculation must be extraordinary on the passiveness of the South, if gentlemen suppose they were to sit in silence. If a solemn decision of the Senate was entitled to command respect, he would call the attention of the Senator from Massachusetts to the overwhelming majority by which it had pronounced the determinaton that the subject of slavery in the District was not to be contested on that floor; a majority, if he recollected right, of 34 to 6. After such an expression of the views of this body, could any gentleman persuade himself that it was wise and patriotic to throw into the Senate such a firebrand?

The Senator from Massachusetts held that there was no value in the reception of petitions, unless it were done in substance as well as form, and the petitions were duly considered. But the Senate, the very moment memorials on this subject had been received, instantly turned round and rejected them. Now, would gentlemen have so little regard to the peace of the whole community as not to abstain from agitating a subject of this kind? The gentleman from Massachusetts had taken occasion not only to read sentiments, from the memorials, which were obnoxious to the South, but had volunteered the expression of his own opinion as to the constitutional power of Congress over the subject of slavery in the District of Columbia. Wherefore introduce that subject again? Why put forward the expression of an opinion in regard to the regulation of trade in slaves between the States, to warrant which the Senator could find nothing in the statute book? He had told the Senate that laws had been passed on that subject, and with the sanction of the South. Mr. R joined issue with the Senator, and called on him to point to the law. He was very confident there was none. As to the laws to which he presumed the reference had been made, they did not touch the matter. Laws to prevent the escape of slaves, or to secure their restoration, were only in fulfilment of the constitution, which expressly provided for the delivering up of runaways; and, so far from being an unfavorable interference with the tenure of slave property, it was, on the contrary, a recognition of the right in slaves, and a guarantee of that right. Mr. R. had no objection that Senators should present their petitions, but he protested against the gratuitous exhibition of these horrid pictures of misery which had no existence. He was not in favor of slavery in the abstract. On that point he differed with the gentleman from South Carolina, [Mr. CALHOUN.] But it was an existing institution; it was recognised and protected by the constitution, and he was at a loss to conceive why, on a subject of this character, honorable Senators would permit themselves to throw firebrands into that chamber. The only pacificating course was that which had been proposed; which was, to lay the question of reception on the table. And gentlemen might be assured that, as often as these petitions were presented, the preliminary question of reception would be moved, and that motion, with its appendages, would as often, he hoped, be laid on the table. Was the miserable farce of receiving these petitions, and then immediately rejecting them, a thing worth contending for? Surely not.

Mr. R. strongly disclaimed all desire to excite jealousy or ill feeling, but reminded Northern gentlemen of the very different circumstances in which they stood towards this subject. They might stir it with perfect safety to their constituents, and possibly with benefit to themselves; but it never could be mooted on that floor without exciting the profoundest feeling throughout the South. He begged gentlemen to desist from such a course. He used the language of expostulation, not of menace, although he felt that a proud consciousness of Southern rights might well warrant him in the use of other language. He appealed to the patriotism of the Senator from Massachusetts. He had on other occasions, and especially in defence of that very Union which is now again threatened, given proofs of it. Mr. R. did not doubt or call it in question. But he appealed to that feeling, and besought that Senator, and all others, to let this subject alone—not to invade the peace of the firesides of their brethren, and not to persist in a course which Southern men could view in no other light than as an aggression upon their dearest interests. When petitions were brought forward, the only proper course was that which had been pursued on his own motion last year, and which had now been renewed in so honorable and peace-loving a spirit by the Senator from Delaware.

Mr. CALHOUN explained, and denied having expressed any opinion in regard to slavery in the abstract. He had merely stated, what was a matter of fact, that it was an inevitable law of society that one portion of the community depended upon the labor of another portion, over which it must unavoidably exercise control. He had not spoken of slavery in the abstract, but of slavery as existing where two races of men, of different color, and striking dissimilarity in conformation, habits, and a thousand other particulars, were placed in immediate juxtaposition. Here the existence of slavery was a good to both. Did not the Senator from Virginia consider it as a good?

Mr. RIVES said, no. He viewed it as a misfortune and an evil in all circumstances, though, in some, it might be the lesser evil.

Mr. CALHOUN insisted on the opposite opinion, and declared it as his conviction that, in point of fact, the Central African race (he did not speak of the north or the east of Africa, but of its central regions) had never existed in so comfortable, so respectable, or so civilized a condition, as that which it now enjoyed in the Southern States. The population doubled in the same ratio with that of the whites—a proof of ease and plenty; while, with respect to civilization, it nearly kept pace with that of the owners; and as to the effect upon the whites, would it be affirmed that they were inferior to others, that they were less patriotic, less intelligent, less humane, less brave, than where slavery did not exist? He was not aware that any inferiority was pretended. Both races, therefore, appeared to thrive under the practical operation of this institution. The experiment was in progress, but had not been completed. The world had not seen modern society go through the entire process, and he claimed that its judgment should be postponed for another ten years. The social experiment was going on both at the North and the South—in the one with almost a pure and unlimited democracy, and in the other with a mixed race. Thus far, the results of the experiment had been in favor of the South. South-

ern society had been far less agitated, and he would venture to predict that its condition would prove by far the most secure, and by far the most favorable to the preservation of liberty. In fact, the defence of human liberty against the aggressions of despotic power had been always the most efficient in States where domestic slavery was found to prevail. He did not admit it to be an evil. Not at all. It was a good—a great good. On that point, the Senator from Virginia and himself were directly at issue.

Mr. RIVES said he had no disposition to get up a family quarrel on a theoretic question between those who were practically agreed. It was certainly very remarkable that the Senator from South Carolina should take him to task for representing him as defending slavery in the abstract, when every word he had since uttered went directly to prove that such was his opinion. Every remark he had made tended to that, and to nothing else. There they differed. Though he (Mr. R.) came from a slaveholding State, he did not believe slavery to be a good, either moral, political, or economical; and if it depended on him, and there were any means of effecting it, he would not hesitate to terminate that coexistence of the two races to which the Senator from South Carolina had alluded, and out of which the present state of things had grown. Yet none had therefore reason to doubt that he should defend the rights growing out of the relations of slavery to the uttermost. No interference with that relation could be attempted without great and abiding mischief; and, if such attempts were persisted in, they must and would inevitably lead to the rupture of those ties which now bound the States in happy union. Great as might be the evil, no remedy for it had been found; and if any were to be devised, it must proceed from those only who suffer the evil; nor would the constitution tolerate the remotest interference by others. When such interference should be forcibly attempted, Mr. R. was prepared to throw himself into the breach, and to perish in the last ditch in defence of the constitutional rights of the South. But he was not on this account going back to the exploded dogmas of Sir Robert Filmer, in order to vindicate the institution of slavery in the abstract.

Mr. CALHOUN complained of having been misrepresented. Again denied having pronounced slavery in the abstract a good. All he had said of it referred to existing circumstances; to slavery as a practical, not as an abstract thing. It was a good where a civilized race and a race of a different description were brought together. Wherever civilization existed, death too was found, and luxury; but did he hold that death and luxury were good in themselves? He believed slavery was good, where the two races coexisted. The gentleman from Virginia held it an evil. Yet he would defend it. Surely if it was an evil, moral, social, and political, the Senator, as a wise and virtuous man, was bound to exert himself to put it down. This position, that it was a moral evil, was the very root of the whole system of operations against it. That was the spring and wellhead from which all these streams of abolition proceeded—the effects of which so deeply agitated the honorable Senator.

Mr. C. again adverted to the successful results of the experiment thus far, and insisted that the slaveholders of the South had nothing in the case to lament or to lay to their conscience. He utterly denied that his doctrines had any thing to do with the tenets of Sir Robert Filmer, which he abhorred. So far from holding the dogmas of that writer, he had been the known and open advocate of freedom from the beginning. Nor was there any thing in the doctrines he held in the slightest degree inconsistent with the highest and purest principles of freedom.

Mr. WEBSTER could not perceive the cause of that warmth which had been exhibited by the Senator from Virginia, while he was so strenuously exhorting other gentlemen to keep cool. He did not, however, complain of it. But this he must observe, that that honorable Senator had never heard him say more in disapprobation of slavery than had been uttered by the Senator himself this day. He had used almost the very words of the petition which so greatly offended him, in declaring slavery to be an evil, social, moral, and political. Nor could that Senator express more strongly the want of power in the General Government to interfere with slavery in the States than Mr. W. had often and always done. The Senator had said, however, that those only were interested in this subject who were suffering in the immediate presence of the evil. This Mr. W. could not but consider as a great mistake. Mr. W., though living in a Northern State, and a State non-slaveholding, felt that evil, too, from the train of consequences which it inevitably drew after it. He had as deep an interest in the peace and the preservation of the Union as the Senator from Virginia. But what was there for that gentleman to complain of in the conduct of his fellow Senator? Some of them had received many abolition petitions. Had they presented them from day to day, and annoyed the Senate by a perpetual repetition of the same thing? Was not this the first time they had been brought forward? Mr. W. demanded the exercise of some candor and justice towards Senators situated as they were; and he should take care that such representations were here made as should remove from them imputations which were not deserved. He had himself presented petitions to-day which had been accumulating in his drawer for two months. And he had presented them at the same time with other gentlemen. He had not debated the subject at large, but had confined himself simply to a renewed expression of the opinion that it would be a better and more prudent course to refer the petitions to a committee, and have a report upon them. This was not a novel opinion. It had been entertained by others in that body; and a former member from Virginia had imbodied it in a motion. He had expressed no opinion in which Southern gentlemen themselves had not heretofore concurred. Where, then was the right to complain? But an honorable gentleman from Georgia [Mr. CUTHBERT] had gone out of his way to bring into this debate a paper which somebody had given him, and which referred to opinions said to have been expressed by Mr. W. some twenty years ago. If those opinions, as here stated, Mr. W. saw nothing to retract. Neither now nor at any time, in that body or out of it, had any one heard from him any other opinion touching slavery in the abstract, or the power of Congress to interfere with it within the States, than had been expressed by the honorable Senator from Virginia himself. His origin, his associations, his education, his habits of thought—all had taught him that slavery was an evil, and he held it to be an evil, moral, social, and political.

Mr. RIVES thanked the Senator from Massachusetts for the edifying lesson of coolness he had given him. He admitted the perfect justness and propriety of it in a general sense. But he begged leave to remind the honorable Senator that the spectator of a battle, occupying a distant and secure position, might look on with great serenity; while those who were in the midst of the conflict, defending their lives and persons from the point of the bayonet, would reasonably exhibit a very different temper and demeanor. The gentleman himself, if it so pleased his fancy, might disport himself in tossing squibs and firebrands about this hall; but those who are sitting upon a barrel of gunpowder, liable to be blown up by his dangerous missiles, could hardly be expected to be quite so calm and philosophic.

The honorable gentleman claims great merit for the forbearance of himself and his friends, in holding back their memorials, and presenting them all at once. Now, sir, for myself, I had much rather take the medicine in broken doses, than in so large and overpowering a potion. Gentlemen have gone on, accumulating their petitions, day after day, and now come forward and precipitate them upon us like an avalanche. If these papers were presented one by one, as they are received, in the ordinary course of business, and permitted to take their quiet course to that "tomb of the Capulets" which the previous decisions of the Senate had prepared for them, I could find in my philosophy fortitude enough to bear it with patience. But when an entire day is set apart and consecrated to the business of presenting these memorials, in a long drawn and solemn succession, there is something in such a scenic parade which is well calculated to aggravate the annoyance to the sensibility of Southern men. Here we are, sitting day after day, among our brethren from the other States, perfectly unconscious of danger, while their desks are constantly filling with these combustible materials, and we know not the hour when we may be blown up by some great explosion. Permit me to say to honorable gentlemen that there is something of precariousness and insecurity in this situation, which is far from being comfortable.

The gentleman from Massachusetts has taken occasion also to say that he had expressed no opinion, in regard to slavery, which was not sanctioned by my own sentiments. Now, sir, has the gentleman ever heard from me any thing to countenance his broad and dangerous notions of interference with the subject of slavery in this District? As to the evil, or otherwise, of slavery in itself; as to the existence or non-existence of a power in this Government to interfere with it in the States; these are mere abstract questions, leading to no practical consequences. The real and only practical question is as to the interference of Congress with the subject of slavery in this District. Here is the fulcrum on which the whole lever of abolition turns; and if you give a foothold here, it is virtually a surrender of the whole ground. The surrender of this "vantage ground" to the abolitionists, if I have not misunderstood the vote of the honorable Senator against rejecting the prayer of the petitioners during the last session of Congress, is precisely what he has already done, and is prepared still to do.

I must now (said Mr. R.) address a few observations to the Senator from South Carolina [Mr. CALHOUN] in regard to the controversy he has thought fit to get up with me in regard to the merits of the institution of slavery. I may say, sir, without fear of contradiction, that no Senator has exhibited a more determined spirit to resist any interference with the subject of slavery than I have done. I deny wholly the power of this Government to act, in any manner whatever, on the subject, either here or in the States. I have been constantly ready to take the highest ground which has been proposed by any Senator here for repelling this interference, by voting at once not to receive the petitions. But, sir, while I have been thus prepared and determined to defend the constitutional rights and vital interests of the South at every hazard, I have not felt myself bound to conform my understanding and conscience to the standard of faith that has recently been set up by some gentlemen in regard to the general question of slavery. I have not considered it a part of my duty, as a representative from the South, to deny, as has been done by this new school, the natural freedom and equality of man; to contend that slavery is a positive good; that it is inseparable from the condition of man; that it must exist, in some form or other, in every political community; and that it is even an essential ingredient in republican government. No, sir; I have not thought it necessary, in order to defend the rights and the institutions of the South, to attack the great principles which lie at the foundation of our political system, and to revert to the dogmas of Sir Robert Filmer, exploded a century and a half ago by the immortal works of Sidney and Locke.

This is a philosophy to which I have not yet become a convert. It is sufficient for me to know that domestic slavery, whether an evil or not, was an institution existing at the time of the adoption of the constitution; that it is recognised and sanctified by that solemn instrument; that there is no right in this Government or in the other States, under any pretext whatever, to interfere with it; that, in regard to the slaveholding States themselves, it was entailed upon them by a foreign and unnatural jurisdiction, in opposition to their own wishes and remonstrances; that there is now no remedy for it, within the reach of any human agency, and, if there were, it must be originated and applied by those only who feel the evil; and that any interference with it by this Government, or the other States, would, in violating the most sacred guarantees of the constitution, rend the Union itself asunder. In pursuing this course, I have the satisfaction of reflecting that I follow the example of the greatest men and the purest patriots who have illustrated the annals of our country—of the fathers of the republic itself. It never entered into their minds, while laying the foundation of the great and glorious fabric of free Government, to contend that domestic slavery was a positive good—a great good. Washington, Jefferson, Madison, Marshall, the brightest names of my own State, are known to have lamented the existence of slavery as a misfortune and an evil to the country, and their thoughts were often anxiously, however unavailingly, exercised in devising some scheme of safe and practical relief, proceeding always, however, from the States which suffered the evil. Mr. Jefferson's writings, from the "Notes on Virginia" to the latest emanations of his great and patriotic mind, are full of the testimony he has borne on this question, in the most impressive language.

In following such lights as these, I feel that I sin against no principle of republicanism, against no safeguard of Southern rights and Southern policy, when I frankly say, in answer to the interrogatory of the gentleman from South Carolina, that I do regard slavery as an evil—an evil not uncompensated, I know, by collateral effects of high value on the social and intellectual character of my countrymen; but still, in the eye of religion, philanthropy, and reason, an evil. But, evil as it may be, it is now indissolubly interwoven with the whole frame of our society; and, if remedy there be for it, that remedy can come from the hand of Omnipotence only. In the mean time, it is inviolably protected by the sanctuary of the constitution itself, and no attempt can be made to disturb it without aiming a parricidal blow at that instrument, which forms alike the security of the rights and liberties of the whole nation. In occupying ground like this, I feel that I rest on solid and tangible principles, the force and justice of which every mind must acknowledge. On the contrary, by putting the defence of Southern rights on the abstract merits of slavery, as a positive good, as a natural and inevitable law of society, you shock the generous sentiments of human nature, you go counter to the common sense of mankind, you outrage the spirit of the age, and alarm the minds even of the most liberal and patriotic among our fellow-citizens of the other States, for those great fundamental truths on which our common political institutions repose. Unfavorable revulsions only, in the public sentiment, can be expected from bold abstractions of this kind; and nothing, I verily believe, has given so strong an impulse to the cause of the abolitionists as the obsolete and

revolting theory of human rights and human society, by which, of late, the institution of domestic slavery has been sustained and justified by some of its advocates in a portion of the South. Sir, the true line of principle and policy is to stand upon the solemn guarantees of the constitution, the impregnable position of our acknowledged and indisputable rights; and, in the name of those rights, and of the peace and harmony of the Union, I now call upon the patriotism of the Senate to apply the only quietus the subject admits, by laying the motion to receive these memorials on the table.

The debate was further continued by Messrs. CUTHBERT, WALL, RIVES, CALHOUN, and EWING; when,

On motion of Mr. HUBBARD, the motion to receive the memorial was laid upon the table, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Dana, Fulton, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Linn, Lyon, Moore, Nicholas, Norvell, Page, Preston, Rives, Robinson, Ruggles, Sevier, Spence, Strange, Walker, White, Wright—31.

NAYS—Messrs. Clay, Davis, Ewing of Ohio, Hendricks, Knight, Morris, Niles, Prentiss, Robbins, Southard, Swift, Tipton, Tomlinson, Wall, Webster—15.

The Senate then adjourned.

TUESDAY, FEBRUARY 7.

MEXICO.

The following message was received from the President of the United States, through Mr. JACKSON, his private secretary:

To the Senate of the United States:

At the beginning of this session, Congress was informed that our claims upon Mexico had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end, I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States, by the Executive, against Mexico, to enforce them, in the event of a refusal, by the Mexican Government, to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof made from on board one our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

WASHINGTON, *February* 6, 1837.

The message was read; and,

On motion of Mr. BUCHANAN, it was ordered to be printed, together with the accompanying documents, and referred to the Committee on Foreign Relations.

ABOLITION OF SLAVERY.

Mr. MORRIS presented an abolition petition from Ohio; which was read, at his request.

Mr. WALKER moved that it be not received.

Mr. HUBBARD moved to lay this motion on the table; which was done accordingly, (by yeas and nays, on the call of Mr. MORRIS,) as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clayton, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Linn, Lyon, Mouton, Nicholas, Norvell, Parker, Preston, Robinson, Ruggles, Strange, Walker, White, Wright—27.

NAYS—Messrs. Ewing of Ohio, Hendricks, Knight, McKean, Morris, Niles, Prentiss, Robbins, Swift, Tipton, Tomlinson—11.

EXPUNGING RESOLUTION.

Mr. BAYARD presented the preamble and resolutions of the Legislature of Delaware, instructing their Senators to introduce and support a resolution to rescind the expunging resolution of Mr. BENTON, and to restore the journal of the Senate to the state in which it was before this act of violence was committed upon it.

Mr. B. said it would be impracticable, or at least improper, to obey these instructions at this session of Congress, as Mr. BENTON's resolution must be regarded as expressing the sense of the Senate as at present composed. But he gave notice that, in compliance with these instructions, he would introduce such a resolution at the next session, and would do so at every succeeding session, as long as he should continue a Senator, till the object should be accomplished; which attempt he hoped would be followed up by every Senator from Delaware. Being thus actuated by the same spirit of continuance which had been so much lauded by the Senator from Missouri, and which in his case had proved so successful, he hoped the day was not distant when they would restore the journal, and make it what he believed was, at this moment, the public sentiment of the people of the United States. He moved (after its reading) that the resolution be laid on the table, and printed.

Mr. BROWN said he did not doubt the perseverance of the gentleman. He would also vote for printing the document, as a matter of respect to the Legislature of Delaware; though, in one case which he instanced, he

believed a motion to print such a document had not been carried.

The motion to print and lay on the table was then carried.

FOREIGN AGGRESSION UPON AMERICAN SLAVE PROPERTY.

A resolution offered by Mr. CALHOUN, calling on the President for information in regard to the aggression committed by the authorities of Bermuda on a Southern vessel, freighted with slaves, which was driven by distress into the ports of Bermuda, coming up for consideration—

Mr. CALHOUN observed that the cases referred to in the resolution presented one of the greatest outrages ever committed on the rights of individuals by a civilized Power. The resolution proposed to ask from the President copies of any correspondence that may have taken place with the British Government relative to the seizure, by the British authorities, of the slaves who were carried as passengers in two American vessels. One of these vessels had sailed from Wilmington, in the State of North Carolina, for New Orleans, having on board some slaves, the property of a gentleman removing from that State to the State of Mississippi; and she was wrecked near New Providence, where the slaves were forcibly seized and detained. The Legislature of North Carolina had, in consequence, expressed their disapprobation of such unwarrantable conduct, and unanimously passed resolutions calling upon the General Government to institute an inquiry into the matter. The other case was that of a vessel bound from Alexandria, in the District of Columbia, to Charleston, South Carolina. Having met with very stormy weather, she was forced into the port of Bermuda, where the British authorities took possession of the slaves, and set them at liberty. He insisted that there was not a clearer constitutional question than that a vessel sailing from one port of the United States to another was as free from search as the territory of the United States itself; and when a vessel was forced by stress of weather into a foreign port, she was entitled to commiseration on account of her situation. The claims of humanity, he held, were, in such cases, to be superadded to the laws of nations. These points being so clear, he was astonished that outrages of this kind had been committed for the last three years. He did not doubt, for a moment, but that the Executive had done his duty, and exercised his accustomed vigilance, in reference to these matters. But still he (Mr. C.) was at a loss to perceive how it happened, after such a lapse of time, that the slaves had not been restored, nor any compensation made to the owners. Now, this resolution he had introduced for the purpose of getting information on the subject, and in order that justice might be done to our citizens.

At the suggestion of Mr. GRUNDY,

Mr. CALHOUN modified his resolution, so as to insert in it the words "provided the President does not deem it incompatible with the public interests;" and the resolution, thus amended, was adopted.

DISTRIBUTION OF BOOKS.

The resolution authorizing the distribution, among the new Senators, of nineteen copies of the American State Papers, published by Messrs. Gales & Seaton, coming up for consideration—

Mr. KING, of Georgia, moved to refer it to the Committee on the Library.

Mr. PRESTON objected to the motion. It was a question, he said, of mere distribution; and, if an inquiry beyond that were instituted, it did not properly belong to the Library Committee.

Mr. GRUNDY was opposed to any reference. A committee could do nothing to assist the Senate on the subject.

Mr. LINN suggested the propriety of throwing all such documents into the library. He said he was perfectly willing to do so with his; and would make a motion to that effect to-morrow, unless some other Senator would do so.

Mr. SEVIER said that, if this resolution should not be carried, he should vote that the documents in the possession of the older members should be restored.

Mr. RUGGLES said that those could not be recovered which had been carried away, and some of the Senators would be unwilling to restore what they had received. He thought it was best to serve all alike. It had been said that it was stolen property. If it were so, he was disposed, like the Senator from Arkansas, [Mr. SEVIER,] in regard to the public lands, to take his share of the spoils, whatever might be hereafter.

Mr. BENTON suggested two amendments to the resolution: first, to strike all out, and direct the members who had received such documents to restore them; and if that should fail, he would then move that the Secretary should get the documents at the lowest price for which they could be obtained. He would also move hereafter that each Senator should be furnished with the legislative history of the time during which he should remain in Congress.

On motion of Mr. WALKER, the resolution was laid on the table.

The Senate resumed the consideration of the

LAND BILL.

And the question being on the adoption of the amendments to the bill reported from the Committee on the Public Lands—

The amendments were read, and Mr. WALKER, chairman of the Land Committee, explained, *seriatim*, the several points in which the bill, as now reported, differed from the shape in which it had been recommitted.

The sum amounted to this: that, instead of requiring occupation and cultivation for two years, in order to a patent, it required only one year; that, in order to a preemption, the land must have been occupied, resided on, and cultivated, prior to the 1st of December, 1836; that a parent must enter land for his children at private sale, and not over two sections for them all, (instead of a section for each child;) and that four quarter-quarter sections might be entered.

Mr. RUGGLES moved to amend the bill in the fourth section, so as to require that the proof of cultivation, &c., by two competent witnesses, should be made "to the satisfaction of the register and receiver," before whom it is to be proved.

The motion was resisted by Mr. WALKER, as being unnecessary, inasmuch as if proof was to be made to any one, it must, of course, be proof to his satisfaction, or the thing was not proved to him.

A long discussion ensued, in which it was insisted by the advocates of the amendment, that, as the bill pointed out how the fact in question was to be proved, viz: by the oath of two competent and disinterested witnesses, unless the amendment should be inserted, all discretion would be taken away from the register and receiver, and he must be obliged to receive an affidavit of two such witnesses as proof of the fact, though he might personally know to the contrary, or though a hundred witnesses should testify the reverse.

A law argument on this point took place between Messrs. BAYARD and BLACK.

Mr. EWING proposed that the inhabitation or cultivation itself should be required by the bill, and not the mere proof of it by two witnesses; the mode in which it should be proved might be added, if necessary; but,

as the bill now stood, the fact of inhabitation or cultivation was nowhere required. An affidavit was all that was required. He suggested a modification of the amendment, so as to effect this object by requiring a "residence for three months prior to the 1st of December, 1836, and that the same be proved before the register and receiver by two disinterested and competent witnesses."

But this was rejected, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Morris, Niles, Prentiss, Robbins, Ruggles, Southard, Spence, Swift, Tipton, Tomlinson, Wall, Webster, White—23.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Norvell, Page, Rives, Robinson, Sevier, Strange, Walker, Wright—25.

The amendment as at first proposed, requiring the proof to be made "to the satisfaction of the register and receiver," was then agreed to, as follows:

YEAS—Messrs. Bayard, Calhoun, Clayton, Crittenden, Dana, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Moore, Morris, Niles, Page, Prentiss, Robbins, Ruggles, Southard, Spence, Swift, Tipton, Tomlinson, Wall, White—24.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Mouton, Nicholas, Norvell, Rives, Robinson, Sevier, Strange, Walker, Wright—22.

Mr. SWIFT proposed to amend the 4th section, so as to provide that no pre-emption be granted to any individual for more than "one legal subdivision" of the public land.

But it was rejected, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Morris, Prentiss, Robbins, Ruggles, Southard, Spence, Swift, Tomlinson, Wall, White—20.

NAYS—Messrs. Benton, Black, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Tipton, Walker, Wright—25.

Mr. RUGGLES moved to amend the 7th section by striking out the clause about quarter-quarter sections, and inserting a provision that all land purchased under the first five sections of the bill should be taken in subdivisions, according to the public surveys; that none should be entered in less than quarter-quarter sections, and in not more than four subdivisions by one individual.

Mr. R. spoke at some length in favor of the amendment, as necessary to prevent purchasers from roaming over the whole public domain, and selecting, in small parcels of 40 acres, all the choice spots, leaving the residue comparatively valueless. As the bill now stood, a man might enter twenty-one different tracts, in all the States and Territories where the public lands lie.

After a discussion of some length, in which the amendment was opposed by Messrs. MOORE, BLACK, and WALKER, and defended by the mover and Mr. EWING of Ohio, it was rejected, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Dana, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Morris, Prentiss, Preston, Robbins, Ruggles, Southard, Spence, Swift, Tomlinson, Wall, Webster, White—23.

NAYS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Tipton, Walker, Wright—25.

Mr. MOORE moved an additional clause, introducing the graduation principle, and securing the pre-emption right of persons who had been deprived of their land by the location thereon of Indian reservations. After a brief discussion, in which Mr. MOORE and Mr. SEVIER took part, the amendment was rejected, as follows:

YEAS—Messrs. Benton, Black, Brown, Fulton, Hendricks, King of Alabama, Moore, Morris, Nicholas, Robinson, Ruggles, Sevier, Walker, White—14.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clayton, Cuthbert, Dana, Ewing of Illinois, Ewing of Ohio, Grundy, Hubbard, Kent, King of Georgia, Knight, Linn, Lyon, Mouton, Niles, Norvell, Page, Prentiss, Preston, Rives, Southard, Spence, Strange, Swift, Tomlinson, Wall, Wright—29.

Mr. KING, of Georgia, moved, as an amendment in the 4th section, to insert a proviso, "That the applicant shall make oath that he has not received the benefit of any pre-emption law heretofore passed."

Mr. K. stated that the object of this amendment was to break up the business of professional squatters. The object of Congress, he said, was to encourage settlement and cultivation. The restraint on squatting, which was in the 4th section of the bill when recommitted, had been left out in this bill by the committee. This proposition, he said, was unanimously accepted by the committee at the last session.

Mr. BLACK opposed the amendment, because no such restraint on speculators existed.

Mr. WALKER also opposed the amendment, because he could see no reason why a pre-emption right should not be granted in a subsequent case as well as in a preceding.

Mr. MOORE said all the new States were not treated with equal justice by this bill. He had endeavored, by his recent amendment, in part to remedy this injustice in regard to his own State, but it had been voted down.

Mr. KING, of Georgia, said this bill was a great deal worse than when recommitted. It was now not a bill to encourage settlement and cultivation, but purely to encourage squatting and speculation. He called for the yeas and nays on the question; which were ordered.

Mr. MOORE vindicated his constituents from all opprobrious epithets, and remarked that the bill had been framed by the political friends of the Senator from Georgia.

The amendment was rejected, as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Kent, King of Alabama, King of Georgia, Knight, Morris, Prentiss, Robbins, Ruggles, Southard, Swift, Tomlinson, Wall, Webster, White—22.

NAYS—Messrs. Benton, Black, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Walker, Wright—23.

Mr. KING, of Georgia, moved an amendment in the 4th section, disallowing the occupancy of any land to which the Indian title had been not only extinguished, but from which the Indians had been removed.

On this amendment a debate of some spirit arose, chiefly between the mover and Mr. MOORE, of Alabama, in the course of which some rather sharp things were said, on the one side, respecting the treatment of the Indians by Georgia, and, on the other, of the character of those who had left Georgia to settle on Indian reservations in Alabama.

The amendment was rejected, as follows:

YEAS—Messrs. Bayard, Clayton, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Nicholas, Prentiss, Robbins, Southard, Swift, Tomlinson, Wall, Webster, White—16.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Walker, Wright—25.

Mr. EWING, of Ohio, moved to amend the 3d section so as to require a residence of two years, instead of one year. The Senate had agreed to this amendment by a decided vote before.

Mr. GRUNDY said that that had been done when the bill contained the feature of prospective pre-emption.

Mr. EWING replied that this had nothing to do with pre-emption, but referred to the regular entry of land by actual settlers.

The amendment was rejected, as follows:

YEAS—Messrs. Bayard, Calhoun, Clayton, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Morris, Prentiss, Robbins, Southard, Swift, Tomlinson, Wall, Webster, White—17.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Walker, Wright—26.

Mr. WALKER moved to correct a mistake in the bill, as printed, by inserting *within* the year 1836, instead of *during* the year 1836.

It was carried, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Sevier, Strange, Walker, Wright—25.

NAYS—Messrs. Bayard, Calhoun, Clayton, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Prentiss, Robbins, Southard, Swift, Tomlinson, Wall, Webster, White—16.

The question now recurring on agreeing, as in Committee of the Whole, to the amendment of the Committee on Public Lands, as it had been amended—

Mr. CALHOUN said that the bill, especially since it had been reduced to its present shape, was beneficial neither to the new nor to the old States, and very oppressive to actual settlers. He should infinitely prefer ceding the lands entirely to the States in which they lie; and, with that view, he had prepared an amendment in the shape of a substitute for the present bill, and which he now moved. It was sent to the Secretary's table, and read, as follows:

Strike out all after the word "that," in the first line, and insert—

All the public lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exceptions of the sites of fortifications, navy and dock yards, arsenals, magazines, and all other public buildings, be ceded to the States within the limits of which they are respectively situated, on the following conditions:

First. That the said States shall severally pass acts, to be irrevocable, that they will annually pay to the United States thirty-three and one third per cent. on the gross amount of the sales of such lands, on or before the first day of February of each succeeding year.

Secondly. That the minimum price, as now fixed by law, shall remain unchanged until the first day of January, eighteen hundred and forty-two; after which time the price of all lands heretofore offered at public sale, and then remaining unsold ten years or upwards, preceding the first day of January aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upwards, preceding the first day of January, eighteen hundred and forty-seven, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upwards, preceding the first day of January, eighteen hundred and fifty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upwards, preceding the first day of January, eighteen hundred and fifty-seven, may thereafter be reduced by said States to a price not less than thirty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upwards, preceding the first day of January, eighteen hundred and sixty-two, may thereafter be reduced by said States to a price not less than twenty cents per acre; and all lands that shall have been offered at public sale, and remaining unsold thirty-five years or upwards, shall be ceded immediately to the States in which said lands are situated: *Provided*, That all lands which shall remain unsold, after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of graduation and cession aforesaid, at the respective periods of ten, fifteen, twenty, twenty-five, thirty, and thirty-five years, after said sale, commencing from the expiration of ten years after the same had been offered at public sale.

Thirdly. That the lands shall be subject to the same legal subdivisions, in the sale and survey, as is now provided by law, reserving for each township the sixteenth section, or the substitute, as heretofore provided by law; and the land not yet offered for sale shall be first offered by the State, at public auction, and be sold, for cash only, in the manner now provided by law; and any land now or hereafter remaining unsold, after the same shall have been offered at public auction, shall be subject to entry, for cash only, according to the graduation which may be fixed by the States, respectively, under the provisions of this act.

Fourthly. This cession, together with the portion of the sales to be retained by the States, respectively, under the provisions of this act, shall be in full of the five per cent. fund, or any part thereof, not already advanced to any State; and the said States shall be exclusively liable for all charges that may hereafter accrue from the surveys, sales, and management of the public lands and extinguishment of Indian title within the limits of said States, respectively.

Fifthly. That on a failure to comply with any of the above conditions, or a violation of the same on the part of any of the said States, the cession herein made to the State failing to comply with or violating said conditions shall be thereby rendered null and void; and all grants or titles thereafter made by said State, for any portion of the public lands within the limits of the same, ceded by this act, shall be and is hereby declared to be null and void, and of no effect whatever.

SEC. 2. *And be it further enacted*, That whenever the President of the United States shall be officially notified that any of the said States has passed an act in compliance with the above conditions, it shall be his duty to adopt such measures as he shall think proper to close the land offices, including the surveying department, within the limits of said State; and that the commissions of all officers connected therewith shall expire on a day to be fixed by him, but which day shall not be beyond six months from the day he received the official notification of the passage of said act.

SEC. 3. *And be it further enacted*, That on such notification being made, the said States shall be relieved from all compacts, acts, or ordinance, imposing restrictions on the right of said State to tax any lands by her authority, subsequent to the sale thereof, ceded by this act; and

all maps, titles, records, books, documents, and papers, in the General Land Office at Washington, relative to said lands, shall be subject to the order and disposition of the Executive of said State.

SEC. 4. *And be it further enacted*, That all lands of the United States within the limits of the State of Tennessee, with the exceptions enumerated in the first section of this act, shall be, and the same are hereby, ceded to said State.

Mr. BENTON objected to any arrangement which extended so far as was proposed by the amendment. We were near another census, when the representation of the new States would be greatly augmented, and they might come into Congress, and write their own terms.

Mr. BUCHANAN had heard a great deal said about bribing the people with their own money; arguments of that kind had been reiterated, but they had never had much effect on him. But speaking on the same principles on which this had been said, and without intending any thing personal toward the honorable Senator from South Carolina, he would say this was the most splendid bribe that had ever yet been offered. It was to give the entire public domain to the people of the new States, without fee or reward, and on the single condition that they should not bring all the land into market at once. It was the first time such a proposition had been brought forward for legislation; and he solemnly protested against the principle that Congress had any right, in equity or justice, to give what belonged to the entire people of the Union to the inhabitants of any State or States whatever. After warmly expressing his dissent to the amendment, Mr. B. said he hoped it would not receive the sanction of any considerable portion of the Senate.

Mr. BLACK was willing to take up the amendment as a substantive measure, independently of the present bill, but not as an amendment to it. He was not prepared to say whether it proposed a good bargain to Mississippi or not; but however that might be, he could not vote for it now. If the pending bill was to fall, it should be by some other means than the interposition of a proposal of this character.

Mr. KING, of Georgia, would vote for the substitute now proposed, in preference to the bill before the Senate. He believed it would be a hundred thousand times better for the people of the United States. He recognised the principles stated by the Senator from Pennsylvania, and he only regretted that that gentleman had not thought of them a little sooner, so as to apply them to the present bill.

Mr. WALKER said he should vote for the amendment with pleasure: the object it proposed was dear to every new State. It would put them on an equal footing with the other States of the Union; and, much as he was in favor of the pending bill, he should infinitely prefer the substitute. Come from friend of foe, it should have his most decided support, and he returned his thanks to the Senator from South Carolina for having introduced it.

Mr. LINN said he should be sorry if a majority were found to substitute the amendment for the pending bill, for he was well persuaded that then both would be lost. He might probably vote for it as an independent proposition, but could not as it now stood. He had set out with the determination to vote against every amendment which should be proposed, as the bill had once been nearly lost by the multiplication of them. If this amendment should be received, the residue of the session would be taken up in discussing it, and nothing would be done for his constituents. He wanted them to know that he had done his utmost, which was but little, to carry into effect their wishes, and to secure their best interests in the settlement of the new country. He was anxious to obtain the passage of an equitable pre-emption law, which should secure to them their homes, and not throw the country into the hands of great capitalists, as had been done in the case of the Holland Land Company, and thus retard the settlement of the West. As to the evasions of previous pre-emption laws, of which so much had been said, he believed they either had no existence in Missouri, or had been grossly exaggerated. In the course of his professional duty [Mr. LINN is a physician, in large practice] he had occasion to become extensively acquainted with the people concerning whom these things had been asserted, (he referred to the emigrants who had settled in that State under the pre-emption law of 1814,) and he could say nothing of the kind had fallen under his observation. They had come there, in the most cases, poor, surrounded by all the evils and disadvantages of emigration to a new country; he had attended many of them in sickness; and he could truly aver that they were, as a whole, the best and most upright body of people he had ever known.

Mr. SEVIER said that, like the Senator from Mississippi, [Mr. WALKER,] he here returned his thanks to the honorable Senator from South Carolina for the proposition he had brought forward. It had been from the beginning well known to all the friends of the bill now before the Senate that that bill had never been a favorite of his. The only feature in it concerning which he felt any solicitude had been stricken out; and though he had promised its friends that he would lend them his help in making it as perfect as they could, (and to the very last hour he had kept that promise,) he had honestly apprized them that, when the bill came to the final vote, he should vote against it. He was prepared to go for the substitute proposed by the Senator from South Carolina. Nor did he consider that substitute as being at all at war with the principles of the bill. He regretted that the amendment had not been printed in time, so that its provisions might have been better understood. He was very sure, from what had been said by the Senator from Pennsylvania, [Mr. BUCHANAN,] that that gentleman had misapprehended the nature of the bill. It did not propose, as he seemed to imagine, to give away the public lands to any body, but it pointed out a way in which the General Government would get clear of all the embarrassment connected with those lands, and would realize thirty-three and a third per cent. of their entire value. It was a proposition very different from those which had preceded it, and it was the only measure which would give full and final satisfaction to the people of the West. There was a spirit there which even the bill now before the Senate could never satisfy. They wanted the control of the soil within their own limits, and with nothing short of this could they ever rest content. They did not come here, and demand it as a right, but they earnestly desired it, and would most heartily rejoice should any mode be devised by which they could lawfully obtain it. They were freemen, and desired the exercise of sovereignty over their own soil. This was the object they set before them, and for it Mr. S. should never cease to exert himself, so long as he retained a seat on that floor. What did the amendment propose? To throw away the public lands? By no means. But to get clear of all the cumbersome machinery and complicated and expensive system which at present existed, and which had been accompanied with so much vexation and dispute in both Houses of Congress, and to give up the land, for a fair equivalent, to the States within which it lay, that they might dispose of it for themselves, and in their own way. They would of course be concerned to see that the land brought a good price, for they were in themselves to realize two thirds of the proceeds. The remaining third they were to pay to Government, in clear money, and it would be more than the Government had ever netted since they held the domain.

The amendment proposed that which had long been a favorite subject with his constituents. He referred to the principle of graduation. This system had first been started by the honorable Senator from Missouri, [Mr. BENTON.] To that gentleman belonged the honor of having first proposed it; and, for having done so, Mr. S. here returned to him his most heartfelt acknowledgments. It had endeared that Senator to multitudes in the West. They called their counties after him; they called their towns after him; they gave his name to their children; and it had secured to him an influence which nothing else could have obtained for him. The Western people had gazed upon his proposition with admiration and delight. They had the terms of it by heart. But the measure now proposed went even beyond this. The Senator from Mississippi, however, was apprehensive that it would endanger the bill. To Mr. S. this was no very formidable objection. But he would here say to that Senator, that if, when a proposal of this kind was brought forward, the men of the West refused to put their shoulders to the wheel, they never need expect to get the benefit, especially when it was brought forward by those who represented the older States. They had surely a right to calculate on the votes of the new States in its favor. Come from what quarter it might, he, for one, stood ready to advocate it. It was as good for the General Government as it was for the West. It got that Government at once clear of all its difficulties with the Indians, and it forever delivered it from squatters, pre-emption rights, and all. If the terms of this arrangement, when they should become known to the American people, would not be found acceptable, as well to the people of the old as the new States, he was greatly mistaken, indeed. He was for the amendment. Let who would vote against it, he would vote for it.

Mr. BENTON made some remarks, which were very imperfectly heard at our reporter's station in the chamber. He was, however, understood to say that he had brought forward a proposition of this general character some years ago; and it appeared, from what had just been stated, that the population of the West approved of the exertions he had made to carry it through; and if there were any votes or voices more decidedly against it than the rest, it was the vote and the voice of the gentleman from South Carolina. We were now within less than three years of the period for taking the new census, and after that time the State of Arkansas would enjoy three or four times her present weight in the councils of the nation. By that time we should probably have three new States: two on the Mississippi, and one on the Gulf of Mexico; while the representation of the new States already in the Union would be greatly enlarged. If the Senator from Arkansas would but restrain his impatience until that period should arrive, the West would settle this question of the public lands just as it pleased. They would settle this matter as they would settle the presidency; and the older States must look to them for both. He was not going to surrender advantages like these for thirty years to come, for the sake of the proposition now advanced. He! he who had introduced this measure; he who had originated it; he who had fought it up, was not going to suffer himself to be forestalled by any thirty years bargain. In three years more, they could write their own terms, and lay them on the table of the Senate. They would be bid for, and bid deeply for, by every candidate for the presidency; and no gentleman, by casting reproaches on him, should cause him, in the least degree, to swerve from his course. He had thus far been able to make himself intelligible to his own people, and he hoped still to be able to do so; and he should retain his position in patience, until Missouri, instead of having two, would have fourteen members in the other House.

Mr. SEVIER said that, if he could get better terms for the West than those now proposed, he would gladly do so. But he thought the Senator from Missouri misapprehended the terms that had been offered. The graduation clause in the amendment did indeed speak of terms of twenty and thirty years; but not of twenty or thirty years from the present time, but from the time the land had been proclaimed for sale. Now, in respect to some of them, that period had already elapsed; and, in regard to others, it was near at hand. It might be very true that presidential candidates would bid deep for the favor of the West, but that was no reason why the West should refuse a good offer when it was made. The present bill, he repeated it, would not satisfy the West; nor would the West ever be satisfied until the lands within their limits were, on terms of some sort, actually ceded to them. Here was a proposition to cede them, and he should vote for it.

Mr. LINN observed that, while the process of forming new States was going on, and the representation in Congress of new States already existing was rapidly augmenting, it ought not to be forgotten that the number of old States was also increasing, and that, consequently, the representatives who were in favor of the interests of the old States were becoming more numerous. Ohio, Indiana, Illinois, and others, would soon be among the list of old States, and their influence would be exerted accordingly. Mr. L. said he was a practical man, though his temperament might be somewhat warm. He looked to things which were attainable, and in the near prospect of being obtained, rather than at those contingent and distant. Here was a bill, far advanced in the Senate, and, as he hoped, on the eve of passing. He believed it would secure a great good to his constituents; and he could not consent to risk that bill by accepting the amendment proposed by the Senator from South Carolina. If the Senator from Arkansas would let this go, he might possibly find that it was a better thing than he could ever get again. He wanted that Congress should so regulate the public lands, and so arrange the terms on which it was disposed of, as to furnish in the West an opportunity for poor men to become rich, and every worthy and industrious man prosperous and happy.

Mr. MOORE said that, having heard the bill but imperfectly once read, he did not know as much of it as he wished to know previous to acting upon it. So far as he understood the amendment, he was for it. It seemed strange to him that the two Senators from Missouri should entertain such different views as to the prospects of the West. The Senator nearest him [Mr. BENTON] had very confidently predicted that, in three years, the people of the West would be able to make their own terms; while his colleague, on the contrary, seemed to think that the West would never again get as good a bill as that now before the Senate. He could not reconcile these two prophecies. However, he was not much in the habit of being governed by prophecies uttered in Congress. He thought the amendment offered better terms than had ever been presented to the West before. It was no new doctrine, however, that the new States were entitled to the jurisdiction of their own soil; and the constitution certainly looked to the time when those States would be free indeed, and no longer vassals under the control of this Government, through the public lands. This happy emancipation the amendment proposed immediately to accomplish. As to the payment of thirty-three and a third per cent. of the proceeds, it might, so far as money was concerned, turn out to be no very good bargain for the new States. But it would certainly be a very good one for the General Government, in a pecuniary as well as every other view. It would give that Government more money for the public lands than they would ever be able to realize on any other plan.

Besides which, it would most effectually put down the system of speculation so much complained of.

Mr. NILES made a short speech in opposition to the amendment, which he considered as a grand new land scheme, thrown into the Senate like the golden apple of discord. It was an extraordinary proposition in itself, and still more extraordinary as proceeding from the quarter whence it came—from a Senator who had been the very champion of the rights of the whole American people in the public domain. Had not the country had enough of land hobbies? He regretted that it should be deemed necessary to stimulate the spirit of cupidity and agrarianism. He hoped the proposition would be put down; but if it must prevail, away with your 33⅓ per cent. Let not the Government become a broker, but give up the whole domain, out and out. If the sceptre must depart from the old States, it would at least pass over to men of the same blood and of a common origin.

Mr. NORVELL said that the proposition of the Senator from South Carolina, if presented under any other circumstances, would be extremely acceptable to him, as a representative of the State of Michigan; but before he could vote for it he must have some guarantee that it would pass the Senate and House of Representatives. The prospect, indeed, was beautiful; it was most fair and inviting; and he, as an humble representative from one of the new States, should hail it with delight. But as the bill now before the Senate did not interfere with the principle of the substitute proposed, let this first be passed; then let the other be taken up as a distinct proposition, and, if it proved acceptable, a clause could easily be added at the close, repealing the previous bill.

Mr. ROBINSON moved that the amendment be printed.

Mr. BLACK and Mr. LINN remonstrated; referrred to the previous course of the debate, and deprecated the risk of the present bill.

The question on printing was then taken, and decided in the negative: Ayes 16, noes 17.

Mr. CALHOUN then said that he wished the Senate to be assured that, in offering the proposition he had presented, he had no indirect or concealed purpose. He was perfectly sincere in proposing and advocating it, and that on the highest possible ground. When the Senate had entered upon the present discussion, he had had little thought of offering a proposition like this. He had, indeed, always seen that there was a period coming when this Government must cede to the new States the possession of their own soil; but he had never thought till now that period was so near. What he had seen this session, however, and especially the nature and character of the bill which was now likely to pass, had fully satisfied him that the time had arrived. There were at present eighteen Senators from the new States. In four years there would be six more, which would make twenty-four. All, therefore, must see that in a very short period those States would have this question in their own hands. And it had been openly said that they ought not to accept of the present proposition, because they would soon be able to get better terms. He thought, therefore, that, instead of attempting to resist any longer what must eventually happen, it would be better for all concerned that Congress should yield at once to the force of circumstances, and cede the public domain. His objects in this movement were high and solemn objects. He wished to break down the vassalage of the new States. He desired that this Government should cease to hold the relation of a landlord. He wished, further, to draw this great fund out of the vortex of the presidential contest, with which it had openly been announced to the Senate there was an avowed design to connect it. He thought the country had been sufficiently agitated, corrupted, and debased, by the influence of that contest; and he wished to take this great engine out of the hands of power. If he were a candidate for the presidency, he would wish to leave it there. He wished to go further: he sought to remove the immense amount of patronage connected with the management of this domain—a patronage which had corrupted both the old and the new States to an enormous extent. He sought to counteract the centralism, which was the great danger of this Government, and thereby to preserve the liberties of the people much longer than would otherwise be possible. As to what was to be received for these lands, he cared nothing about it. He would have consented at once to yield the whole, and withdraw altogether the landlordship of the General Government over them, had he not believed that it would be most for the benefit of the new States themselves that it should continue somewhat longer.

These were the views which had induced him to present the amendment. He offered no gilded pill. He threw in no apple of discord. He was no bidder for popularity. He prescribed to himself a more humble aim, which was simply to do his duty. He sought to counteract the corrupting tendency of the existing course of things. He sought to weaken this Government by divesting it of at least a part of the immense patronage it wielded. He held that every great landed estate required a local administration, conducted by persons more intimately acquainted with local wants and interests than the members of a central Government could possibly be. if any body asked him for a proof of the truth of his positions, he might point them to the bill now before the Senate. Such were the sentiments, shortly stated, which had governed him on this occasion. He had done his duty, and he must leave the result with God and with the new States.

After a remark or two from Mr. LINN and Mr. BENTON,

Mr. CALHOUN was understood to say that he had sincerely presented the motives of his course. He had in view but one object only, which was the benefit of the new States; although he believed the old States were as much interested to get rid of these lands as the new States to receive them. He thought the amendment contained provisions which would prevent any contest between the new States for this territory. But, provided the great principles of the amendment were adopted, he was not at all solicitous about the details. He should be very willing to submit them to a committee composed of individuals in part from the new and in part from the old States.

The question was now taken on Mr. CALHOUN's amendment, and decided in the negative, as follows:

YEAS—Messrs. Calhoun, King of Georgia, Moore, Morris, Robinson, Sevier, White—7.

NAYS—Messrs. Benton, Black, Brown, Buchanan Cuthbert, Ewing of Ohio, Fulton, Grundy, Hubbard, Kent, King of Alabama, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Prentiss, Rives, Robbins, Southard, Strange, Swift, Tomlinson, Walker, Wall, Wright—28.

The question was next put on agreeing, as in Committee of the Whole, to the amendment from the Committee on Public Lands, as amended, and carried, without a count.

The bill was then reported to the Senate, where the amendments were agreed to, and the bill ordered to its third reading, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Rives, Robinson, Strange, Walker, Wright—24.

NAYS—Messrs. Bayard, Calhoun, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Prentiss, Robbins,

Sevier, Southard, Swift, Tomlinson, Wall, Webster, White—16.

The Senate then adjourned.

WEDNESDAY, FEBRUARY 8.

NATIONAL BANK.

Mr. WEBSTER presented the petition of 1,400 or 1,500 persons, of the mercantile community of the city of New York, praying for the establishment of a national bank in that city.

In presenting the petition, Mr. WEBSTER said:

I rise, Mr. President, for the purpose of presenting to the Senate a petition signed by fourteen or fifteen hundred mercantile houses in the city of New York, praying the establishment of a national bank in that city. These petitioners, sir, set forth that, in their opinion, a national bank is the only remedy, of a permanent character, for the correction of the evils now affecting the currency of the country and the commercial exchanges. The petition is accompanied by a short communication from the committee raised for the purpose of preparing the petition, in which they state, what I believe to be true, from some knowledge of my own, that the petition is subscribed without reference to political distinction; and they inform us, on the authority of their own observation and knowledge, that, in their opinion, on no subject did the mercantile community of New York ever address Congress with more entire unanimity than they now approach it, in favor of a national bank.

Mr. President, (said Mr. W.,) my own opinions on this subject have long been known; and they remain now as they always have been. The constitutional power of Congress to create a bank is made more apparent by the acknowledged necessity which the Government is under to use some sort of banks as fiscal agents. The argument stated the other day by the member from Ohio opposite to me, [Mr. MORRIS,] and which I have suggested often heretofore, appears to me unanswerable: and that is, that, if the Government has the power to use corporations in the fiscal concerns of the country, it must have the power to create such corporations. I have always thought that, when, by law, both Houses of Congress declared the use of State banks necessary to the administration of the revenue, every argument against the constitutional power of Congress to create a Bank of the United States was thereby surrendered; that it is plain that, if Congress has the power to adopt banks for the particular use of the Government, it has the power to create such institutions also, if it deem that mode the best. No Government creates corporations for the mere purpose of giving capacity to an artificial body. It is the end designed, the use to which it is to be applied, that decides the question, in general, whether the power exists to create such bodies. If such a corporation as a bank be necessary to Government, if its use be indispensable, and if, on that ground, Congress may take into its service banks created by States, over which it has no control, and which are but poorly fitted for its purposes, how can it be maintained that Congress may not create a bank, by its own authority, responsible to itself, and well suited to promote the ends designed by it?

Mr. President, when the subject was last before the Senate, I expressed my own resolution not to make any movement towards the establishment of a national bank, till public opinion should call for it. In that resolution I still remain. But it gives me pleasure to have the opportunity of presenting this petition, out of respect to the signers; and I have no objection certainly to meet with a proper opportunity of renewing the expression of my opinions on the subject, although I know that so general has become the impression hostile to such an institution, that any movement here would be vain till there is a change in public opinion. That there will be such a change I fully believe; it will be brought about, I think, by experience, and sober reflection among the people; and when it shall come, then will be the proper time for a movement on the subject in the public councils. Not only in New York, but from here to Maine, I believe it is now the opinion of five sixths of the whole mercantile community, that a national bank is indispensable to the steady regulation of the currency, and the facility and cheapness of exchanges. The board of trade at New York presented a memorial in favor of the same object some time ago. The Committee on Finance reported against the prayer of the petitioners, as was to have been expected from the known sentiments of a majority of that committee. In presenting this petition now to the consideration of the Senate, I have done all that I purpose on this occasion, except to move that the petition be laid on the table and printed.

Sir, on the subjects of currency and of the exchanges of commerce experience is likely to make us wiser than we now are. These highly interesting subjects—interesting to the property, the business, and the means of support, of all classes—ought not to be connected with mere party questions and temporary politics. In the business and transactions of life men need security, steadiness, and a permanent system. This is the very last field for the exhibition of experiments, and I fervently hope that intelligent men, in and out of Congress, will co-operate in measures which may be reasonably expected to accomplish these desirable objects—desirable and important alike to all classes and descriptions of people.

The petition and accompanying letter were then ordered to be printed.

COUNTING VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

A message was received from the House of Representatives, through Mr. FRANKLIN, their Clerk, informing the Senate that the House were ready to proceed to count the votes for President and Vice President of the United States.

The Senate accordingly adjourned to the hall of the House.

The Senate having returned to their chamber, and the President resumed the chair—

On motion of Mr. GRUNDY, a resolution was adopted for the appointment of a joint committee, to wait on MARTIN VAN BUREN, and inform him of his election. And Mr. GRUNDY was appointed by the Chair to act on the part of the Senate.

Mr. GRUNDY, then, from the joint committee on the election, reported a preamble and resolution, stating that no election of Vice President of the United States had been made by the college of electors; that Richard M. Johnson, of Kentucky, and Francis Granger, of New York, were the highest on the list of persons voted for; and resolving that the Senate do now proceed to elect one of these gentlemen Vice President of the United States; and that Senators give their votes, *viva voce*, in their places, on the call of the Secretary.

The resolution was agreed to, and the Senate proceeded to vote accordingly, the result of which was as follows:

FOR RICHARD M. JOHNSON.

Mr. Benton, of Missouri.	Mr. Fulton, of Arkansas.
Black, of Mississippi.	Grundy, of Tennessee.
Brown, of N. Carolina.	Hendricks, of Indiana.
Buchanan, of Penn.	Hubbard, of N. Hamp.
Cuthbert, of Georgia.	King, of Alabama.
Dana, of Maine.	King, of Georgia.
Ewing, of Illinois.	Linn, of Missouri.

Mr. Lyon, of Michigan.	Mr. Rives, of Virginia.
McKean, of Penn.	Robinson, of Illinois.
Moore, of Alabama.	Ruggles, of Maine.
Morris, of Ohio.	Sevier, of Arkansas.
Mouton, of Louisiana.	Strange, of N. Carolina.
Nicholas, of Louisiana.	Tallmadge, of N. York.
Niles, of Connecticut.	Tipton, of Indiana.
Norvell, of Michigan.	Walker, of Mississippi.
Page, of N. Hamp.	Wright, of N. York.
Parker, of Virginia.	

FOR FRANCIS GRANGER.

Mr. Bayard, of Delaware.	Mr. Prentiss, of Vermont.
Clay, of Kentucky.	Robbins, of R. Island.
Clayton, of Delaware.	Southard, of N. Jersey.
Crittenden, of Ky.	Spence, of Maryland.
Davis, of Massachusetts.	Swift, of Vermont.
Ewing of Ohio.	Tomlinson, of Conn.
Kent, of Maryland.	Wall, of N. Jersey.
Knight, of R. Island.	Webster, of Mass.

The President of the Senate (Mr. KING, of Alabama) then rose and proclaimed the result of the election, as follows:

The whole number of Senators of the U. States is	52
Majority necessary to a choice - - -	27
Quorum required by the constitution - -	35
Whole number of Senators present - -	49
For Richard M. Johnson, of Kentucky, - -	33
For Francis Granger, of New York, - -	16

From which it appears that RICHARD M. JOHNSON, having the votes of a majority of the whole number of Senators, as required by the constitution of the United States, is duly elected; and I therefore declare that RICHARD M. JOHNSON, of Kentucky, has been chosen by the Senate, in pursuance of the provisions contained in the constitution, Vice President of the United States for four years, commencing with the 4th day of March, 1837.

On motion of Mr. GRUNDY, a resolution was adopted for the appointment of a joint committee to inform RICHARD M. JOHNSON of his election; and the Chair was authorized to appoint the member thereof on the part of the Senate.

On motion of Mr. WEBSTER,

The Senate then adjourned.

THURSDAY, FEBRUARY 9.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. SWIFT presented the petition of inhabitants of the town of Georgia, in the State of Vermont, praying the abolition of slavery and the slave trade in the District of Columbia.

Mr. S. moved to refer that part of the petition which relates to the slave trade to the Committee for the District of Columbia, remarking that he believed the question on this subject had not been distinctly tried.

Mr. BROWN moved to lay this motion on the table; which was accordingly ordered, by yeas and nays, on the call of Mr. SWIFT, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Lyon, Moore, Nicholas, Norvell, Preston, Robinson, Ruggles, Strange, Tallmadge, Walker, White, Wright—26.

NAYS—Messrs. Hendricks, Knight, McKean, Niles, Prentiss, Robbins, Southard, Swift, Tipton, Wall, Webster—11.

CESSION OF THE PUBLIC LANDS.

Mr. CALHOUN introduced as a substantive proposition, and in form of a bill, the amendment he had the day before moved to the land bill; which proposes a cession of the public lands, on certain conditions therein specified, to the States, respectively, in which they lie. It was read once, and, by unanimous consent, received its second reading.

Mr. CALHOUN said that he wished it to be referred to the Committee on Public Lands, or to a select committee, as the Senate might choose.

Mr. ROBINSON moved to refer the bill to a select committee. The Committee on Public Lands were already burdened with business, and he was desirous that the Senator from South Carolina should have an opportunity of presenting his whole views on the subject in the form of a report.

Mr. WALKER supported the motion. He thought that, on a minute examination, the bill would not be found so objectionable to the old States as had, on its first presentation, been supposed. He believed it to be demonstrable that the new States would obtain but little more under this bill than under a distribution bill formerly proposed. He disclaimed any desire of perpetrating injustice on the older States; and should his constituents ever desire him (which he knew they did not) to advocate a measure of spoliation in their behalf on the common property of the Union, he would resign his seat.

Mr. NILES believed that no good could result from a special report in this case, however able it might be, and he therefore was opposed to a select committee. He believed that the further agitation of this subject at this time was calculated to do no good, and that the Senate had had enough of it, at least for the present. The question then before them was one of those unfortunate questions which had disturbed and divided the country; it was a sectional question, and they had had questions enough of this nature for some time past before them. They had been debating land bills, distribution bills, &c., to the exclusion of other important matters, and it was time to let the public mind settle down, before they revived them again. The time would come, and it would come soon enough, when it might be proper to take up this or a similar measure, and he would then be prepared to meet it with a liberal spirit, and would be willing to go much further, perhaps, than the bill contemplated; but in every aspect in which he could view the subject, he was convinced that it would be better to let it sleep for the present. This project struck him as being complicated and dangerous. It contemplated contracts and covenants with the new States, constituting them agents and brokers for this Government, and in the end making them debtors to an amount at present unknown. The land bill, which must come up on its third reading to-day, was an experiment yet to be tried. He admitted that he voted for it with much hesitation, and no small degree of fear and trembling; but he did so because he believed it would tend to lessen a great evil—an accumulation of too much revenue. Having made up his mind to give the bill he had just mentioned a trial, he was not disposed to add to it another experiment; and he was still less disposed to agitate and disturb the public mind by entertaining a question the discussion of which could do no good, and which it was not probable would lead to any practical result. If this matter was referred at all, it ought to be to the Committee on Public Lands, the standing committee specially constituted for such objects, and the members of which, having had the subject before them the whole winter, were better acquainted with it than were any other gentlemen of that body.

Mr. WEBSTER said that this bill looked to a matter of vast magnitude; and he hoped the honorable Senator from South Carolina would not consider it discourteous if he should move to reconsider the consent by which it had been read a second time, in order that the second reading of the bill might take place to-morrow, when

they might have a vote upon it by yeas and nays; but he was not willing, for one, that the bill should make any progress in the Senate, which might create, out of doors, the expectation that such a measure could obtain the least favor in that body. He was himself entirely opposed to the proposition. If the Senate would consent to reconsider, he should, on to-morrow, ask the yeas and nays on its second reading, and no more.

Mr. CALHOUN hoped the vote would not be reconsidered. The subject was obviously of great moment; and, at a period very shortly to come, it must press itself home on the consideration of every Senator. It was in vain to expect, on a bill of this magnitude, a naked vote by yea and nay. He should himself desire to be fully heard in its behalf, as he doubted not other gentlemen would, from both the new and the old States. It was a matter of perfect indifference to him in what form his views should be presented, whether by a speech on the floor, or through the report of the committee. A reference and report was the usual course, and he hoped that a bill of this character would not be treated with less courtesy than others.

Mr. WALKER demanded the yeas and nays.

Mr. BROWN advocated the motion to reconsider, and deprecated the idea that the opinion should go forth that this Government, at one fell swoop, would seize upon the whole public domain, and transfer it to the new States.

Mr. CLAY said he was desirous of saying a few words on this bill, although his feelings would rather admonish him to be silent. Four or five years ago, contrary to his most earnest desire, this subject of the public lands had been forced upon him. With great labor, he had devised a scheme, fraught, as he conceived, with equity to all the States, according to which the object originally designed by the respective States which had ceded this domain for the common benefit of the Union would be accomplished, the proceeds of the whole divided, and an additional allowance made to the new States, such as should be called for by their increasing population. That scheme, although proceeding from a source which had now no influence in the Senate, and none in the country, had conciliated the favor of both Houses of Congress. It had been rejected by the President. Yet a large portion of the country, and, as he believed, a decided majority of the people of the United States, were, notwithstanding, in its favor. Mr. C. said that he had ever thought this public domain one of the most sacred of all the sacred trusts confided to the General Government, and that they were bound to take the utmost care of it, and to administer it fairly for the benefit of all the States of the present generation and of posterity. This he had labored to do, but had labored in vain; and now a project was brought forward, which aimed to wrest these lands from the common benefit of the Union, and appropriate them to the use either of a small portion of the States or of speculators. Mr. C. was equally opposed to the land bill now before the Senate, and to the project just introduced by the Senator from South Carolina. Indeed, he could see but little difference between them; for though the land bill before the Senate proposed, as its avowed objects, to restrict the sales of the public lands, to limit the amount of the revenue, and to repress speculation, it imbodied principles which, in spite of all effort to the contrary, would continue to be carried out, re-enacted, and enlarged, until the whole of the public domain be swept away. In view, as he supposed, of this result, the Senator from South Carolina proposed at once to divest the country of the whole domain. To such a measure Mr. C. could not consent. He must do his duty faithfully and honestly, though it might be unsuccessfully. He was firmly opposed to the project already before the Senate, and to the kindred project of the Senator from South Carolina; and did he not fear it would be in vain, he would address himself to his brother Senators on all sides of the House, and would implore them, by every consideration of love to their country, and regard to their own reputation, not to allow a matter of this weight and moment to be made an object of party politics. He would conjure them to abstain from appeals, by the new States, to this or to that party. He would not say that honorable Senators were actuated by any such considerations, because it would be unparliamentary, and might not be true in fact; but he would ask them if the impression had not been created that the party now dominant in the country intended to appeal to the new States, and, by conciliating their favor, to perpetuate itself in power? He would ask the Senator from South Carolina whether, after such an impression had gone abroad, any gentlemen were there found offering to these States still better boons, those who should do so would not expose themselves to the suspicion that they were engaged in a similar design? To the Senators from the new States he would say, was it an enviable situation for them to occupy, to have appeals of this kind not only made, but openly avowed, and to witness proposals on which they were called to act, involving vast pecuniary advantages to the States they represented? Was it not inevitable, from the nature of the object in question, that, if one party made it an instrument to retain political power, another party would be induced to do the same thing? And the result must be an appeal, by both parties, to the new States, by the sacrifice of that great interest which ought sacredly to be preserved for the benefit of the whole.

Mr. C. said, in conclusion, that he hoped the members of the Senate would appreciate those motives which laid it as a duty upon him, out of a regard to the value of our public domain, and the purposes for which it had been given, to say thus much on the present occasion. He must repeat, in conclusion, that he should oppose himself firmly to both projects. He considered them equally liable to exception, and could, as he had before observed, perceive but little difference between them.

Mr. CALHOUN observed, in reply, that he had come there with a fixed resolution to resist all attempts at innovation upon our system in relation to the public lands; and, he might add, with no small hope that he should be successful.

Mr. C. said he took it as rather unkind, though he was sure it had not been so intended, that the Senator from Kentucky should say that there was any analogy between this bill and that from the Committee on the Public Lands, which Mr. C. had strenuously opposed. This measure, reluctantly forced upon him by the necessity of the case, had been introduced with a desire to terminate great political evils. He did assure that honorable Senator, whatever might be the obligation of duty which he felt in opposing this measure, a no less imperative obligation urged Mr. C. to bring it forward. There is, said Mr. C., too much power here; the tendency of this Government to centralism is overpowering; and among the many powerful instruments which can be and are brought to bear on the securing and extending of executive power, this control of the public lands is one of the greatest and most effectual. It now gives to any administration disposed so to use it control over nine States (eight, certainly) of this Union. Those States, so far as this regulation of the public lands is concerned, are the vassals of this Government. We are in the place of a great landlord, and they of tenants; we have the ownership and control over the soil they occupy. Can there be any doubt as to how such an ascendency will be used in the present corrupt state of the country? Is there any doubt as to how it has been used, or that the influence derived from it is a growing influence? We must find

some remedy for such a state of things, or sink under it. It is in vain to tell us that the Senators from the new States are as capable of giving an independent vote on measures connected with the public lands as those from the old States. It is impossible, in the nature of things. Their constituents have that feeling of ownership which is naturally inseparable from the occupation of the soil; and it must and will control the action of their representatives.

And now I put it to the bosom of every Senator, whether the mere moneyed income derived from the public domain is to be compared for one moment to the great advantage of putting these Senators on the same independent footing with ourselves? I look with sympathy upon their condition, and I feel very sure they will be liberated from it with joy. Such, I am very sure, would be my feelings in the like circumstances. So long as there was no attempt to use the control of the public lands for purposes of a political character, their condition was very different; but since this has been swept into the great vortex of political influence, their situation is wholly changed. I am for knocking off their chains. Sir, said Mr. C., I have, on a deliberate view of the whole case, entered upon this course, and I am resolved to go for this measure with all my power. I seek not its popularity or influence. I had rather that some other individual had moved in it, as more than one Senator here can bear me witness; but none would move, and I have therefore determined to proceed. I believe the time has arrived, and I am resolved to go on in the face of all the imputations to which my motives may be liable. I have often done my duty under very difficult circumstances, as all who hear me well know. As to popularity, I despise it. I would not turn on my heel to obtain it. It is a fleeting shadow, unworthy of the pursuit of an upright man. No, sir, I move here on a conscientious conviction of high and imperious duty; and I shall therefore go forward until I have effected my object, if it can be effected. I believe it will prove, in its practical results, a great blessing to the country. I am convinced no stronger measure can be devised for withdrawing the public lands from the great game of political scrambling and gambling for the presidency.

As to the details of the bill: I am under the impression that the sum demanded from the new States for the cession of these lands should be moderate, especially considering that they will be charged with the whole trouble and expense of their administration; and that, from the nature of the human mind, they will necessarily have the feeling that they possess a better right to these lands than others, from the fact of their occupancy. The next reason is, that we may prevent any disturbance from a feeling of discontent, but that the arrangement we make may be viewed as a liberal one, even by the new States themselves. So desirous am I to effect this object, that I will consent to modify this feature of the bill, by inserting almost any rate per cent. which the new States shall, on the whole, deem most prudent and advisable. Another reason why I have set the bonus at a low rate is a desire that the plan should operate as a benefit to the new States. I wish to counteract the tendency to running down of the price of land, and to secure its sale at prices calculated for the benefit of all parties. To secure this, I have inserted a provision, that if there shall be any departure from this condition of the cession, the grant itself shall be void, so as to make it a judicial question.

This measure is not, as has been said, a surrendering of the public domain to a few States of the Union. The lands are not surrendered; they are ceded, on terms by which this Government will make the most of them, even on a mere calculation of money. But I hope all such considerations will be held as entirely secondary and subordinate to greater and higher interests. All, I am confident, feel that there must be some remedy devised for the existing evils connected with this subject. There is too much action here; how it enures, and to whose advantage, we have fully seen. It is the great evil of patronage, which, if not limited and curtailed, will render perfectly futile all efforts to preserve the liberties of the country. My ideas on this subject are well known. It is the law of our political situation that, as our territory spreads, and our population is augmented, the action at the centre of the system must be diminished more and more. It should be confined merely to the sustaining of a harmonious intercourse of the several portions of the confederacy; a harmony of parts throughout the great and wide-spread system. I solemnly believe that a knowledge of this great fundamental law, and a steadfast adherence to it, are the only means by which our freedom can be preserved. We must watch the stealthy advance of power, and resist it, step by step. We must not suffer every power of this Government to be perverted into an engine for President making. Let us apply, at once, the axe to the root.

These are my motives in bringing forward this important measure, and not a grovelling desire of popularity, or any reserved hope of personal benefit to be enjoyed hereafter; I hold all such things light as air. I seek to do my duty, and to preserve, so far as I can, the liberties of my country.

Mr. WEBSTER said it was because he had thought it more respectful to the Senator from South Carolina to move a reconsideration, than to make a motion to lay the bill on the table, that he had moved the former. But if that gentleman could not consent to reconsider, he must, however reluctantly, be compelled to move that the bill be laid upon the table.

After some conversation,

Mr. ROBINSON withdrew his motion for a select committee, and

Mr. WEBSTER renewed the motion to reconsider; (which motion brings up the whole subject for discussion.)

He did this, he said, with a view to take the sense of the Senate, desiring that the bill might come up to-morrow. But if the Senator from South Carolina was disposed to enter into the discussion on the present motion, it could proceed in that way.

Mr. CALHOUN expressed his regret that the bill should be opposed at this early stage, and in so unusual a manner. As long as I have been a member of this and the other House, (said Mr. C.,) I cannot recollect more than three or four instances, before the present, in which a bill has been opposed at its second reading, and then under very peculiar circumstances. And why, may I ask, is the usual course departed from on the present occasion? Why not let this bill receive its second reading and be referred, as other bills are, to a committee, to be considered and reported on? The reply is, to prevent agitation; that is, as I understand it, to prevent the feelings of the public from being excited and its attention directed to this highly important subject. If that be the intention, I tell gentlemen they will fail in their object. The subject is already before the public; and, if my life be spared, I shall keep it there—shall agitate it till the public attention shall be roused to a full and thorough investigation of a measure that I firmly believe is not less essential to the interest of the whole Union than it is to that of the new States. I tell them more: that the very unusual and extraordinary course they have adopted, in opposition to this bill, will but more deeply agitate the public mind, and the more intensely attract its attention to the subject. It will naturally excite the inquiry, why not let this bill take the ordinary course? Why not let it go to a committee, to investigate its provisions, and present all the argu-

ments for and against it, fully and fairly, so that its merits and demerits, such as they are, may be clearly understood? Opposition to so reasonable a course will make the impression that the object is to suppress investigation, whatever may be the motive of gentlemen, and will naturally excite suspicion and more diligent inquiry.

In making these remarks, I am not ignorant that the merits of the bill are fully open to discussion on the pending question; but it is impossible that a hasty discussion, at this last stage of the session, and when the time of the Senate is so fully engrossed with other subjects, can be so satisfactory as would be a report, in which the views of the majority and minority of the committee, after a full consultation, might be calmly and deliberately spread at large before the public. And why not adopt so natural a course? Besides being more favorable to investigation, it would consume less time; a point of no small importance at the present stage of the session. If referred, the committee would doubtless be so constituted as to comprehend both friends and opponents of the measure. Among the latter, if my wishes should be consulted, I would be glad to see the name of the Senator from Massachusetts, [Mr. WEBSTER,] who is so capable of doing full justice to whatever side he undertakes to defend. It is thus that the whole merits of the measure would be fully presented; and if it be so liable to objections as is supposed, the result might be to satisfy the new States themselves that it ought not to be adopted. But if, on the other hand, the argument should prove to be decidedly in its favor, as I firmly and concientiously believe, the very agitation which gentlemen seem so much to dread would be promptly terminated by the adoption of the measure. Thus regarding the subject, I cannot but regret that this bill has not been permitted to take the usual course, and that I am compelled, in this hasty manner, without premeditation, to reply to the arguments of the Senator from Massachusetts, [Mr. WEBSTER,] which, after mature deliberation, he has urged with all his force against the measure. I shall begin with my reply to his constitutional objections. He holds that the measure is unconstitutional, because we have no authority to give away the public lands.

I do not feel myself obliged to meet this objection. It is not true in fact. The bill makes no gift. It cedes the public lands to the States within which they are respectively situated, subject to various conditions, and, among others, that they shall pay over one third of the gross amount of the sales to the United States; that they shall surrender all their claims against the Government under the two and three per cent. funds, and take the whole trouble and expense of the management of the land, including the extinguishment of the Indian tittles. But I waive this decisive answer. I meet the Senator on his own ground, and with a conclusive argument, as far at least as he is concerned. He admits that it would not be a violation of the constitution for Congress to make a donation of land to an individual; and what, I ask, is there to prevent it from making a donation to two; to an hundred; or to a thousand? And if to them individually, why not to them in the aggregate, as a community or a State? He, indeed, admits that Congress may make a donation of public lands to a State, for useful purposes. If to one State, why not to several States—to the new States, if the measure should be thought to be wise and proper? If there be a distinction, I acknowledge my intellect is too obtuse to perceive it; but as the bill makes no gift, I feel under no necessity of pressing the argument further.

The Senator's next position is, that we have no right to delegate the trust of administering the public domain, confided to us by the constitution, to the States. Here, again, I may object, that the argument has no foundation in truth. The bill delegates no trust. It makes a concession—a sale of the public lands to the new States; and what the Senator calls trusts are but conditions annexed to the sales—conditions alike beneficial to them and to the old States. The simple question, then, is, can Congress sell public lands to a State? Suppose the State of Ohio were to offer to pay $1 25 an acre for the remnant of the public lands within her limits, could not Congress sell it to her? And if it may sell for $1 25, may it not for a dollar, for 75 cents, or a less sum, if it should be deemed the true value? Again: if Congress can make an absolute sale, may it not make a conditional one? And if so, why may it not make the disposition proposed in this bill? That is the question, and I would be glad to have it answered. If I ever had any constitutional scruples on the subject, the arguments of the Senator would have satisfied me that they were without the shadow of foundation. His reasoning faculties are well known; and if these are the strongest constitutional objections that he can advance, we may be assured that the bill is perfectly free from all objections of that description.

Having now despatched the objections against the constitutionality of this bill, I shall next consider the arguments which the Senator urged against its expediency. He says that I placed the necessity of this bill on the fact of the passage of the land bill reported by the Committee on Public Lands; and, as it was uncertain whether it would become a law, the ground on which the necessity of this bill was based may yet fail. The Senate will remember the remarks I made on asking leave to introduce this bill, and that I was for placing it on the simple fact of the passage of that bill. I took broader ground, and rested my motion on the character of the bill and the circumstances which attended its passage through this body. From these, I concluded that the period we all acknowledge must sometime come had actually arrived, when the public lands within the new States should on proper conditions be ceded to them. I do not deem it necessary now to go into a discussion of the character of the bill, nor the history of its passage through the Senate. We all have, no doubt, formed our opinion in relation to both. From all I saw and heard, I am satisfied that the bill had not the hearty assent of its supporters, whether from the new or old States; and I doubt very much whether there was an individual who voted for it, that gave it his hearty approbation. Many who had uniformly opposed all measures of the kind, and who represented portions of the Union which had ever been vigilant on all questions connected with the public lands, were found in the ranks of those who supported the bill. The explanation is easy. It assumed the character of a party measure, to be carried on party grounds, without reference to the true interests of either the new or old States; and, if we are to credit declarations made elsewhere, to fulfil obligations contracted anterior to the late presidential election. From all this, I inferred we had reached the period when it was no longer possible to prevent the public domains from becoming the subject of party contention, and being used by party as an engine to control the politics of the country. It was this conviction, and not the mere passage of the bill, as the Senator supposes, that induced me to introduce this bill.

I saw, clearly, it was time to cut off this vast source of patronage and power, and to place the Senators and Representatives from the new States on an equality with those from the old, by withdrawing our local control, and breaking the vassalage under which they are now placed. The Senator from Massachusetts objects to the term, and denies that Congress exercises any local control over those States. I used it to express the strong degree of dependence of the new States on this Govern-

ment, whose power and patronage are ramified over their whole surface, and whose domains constitute so large a portion of their territory. I certainly did not anticipate that the Senator from Massachusetts, or any other, would deny the existence of this dependence, or the local control of the Government within their limits. Can any thing be more local than the lands of a State? and can any State be said to be free from dependence on a Government, when that Government has the administration of a large portion of its domain? Is it no hardship that the citizens of the new States should be compelled to travel nine or ten hundred miles to this place, and to wait our tardy justice on all claims connected with the public lands; a subject, in its own nature, the most local of all, and which ought, above all others, to be under the charge of the local authority of the States? I ask him if he would be willing to see Massachusetts placed in the same relation to this Government? and, if it were, whether it would not destroy its independence? I ask him if it must not give a great and controlling influence wherever it exists? Through its lands, authority and action of the Government pervades the whole territory of the new States, and their citizens become claimants at your doors, session after session, either for favor or justice. I do not say that all this is incompatible with the sovereignty of those States, but I do aver that it is in derogation of their sovereignty.

The Senator next objects to this measure, that it would not free Congress from its present difficulties, in reference to the public domain. He says that we should soon have the new States here, besieging us with memorials to alter the conditions of cession, with all the dependence and difficulties of which we now complain. My impression is very different. Make the terms liberal, and they will be satisfied. They will relieve Congress from the whole burden of business, as far as the lands are concerned, which now occupies so much of its time; and the public councils will no longer be under the dangerous influence inseparable from their management. If hereafter a new state of things should arise, and the arrangement proposed in the bill should require reversion, it will be for those who come after us to apply a remedy; and I have no fear but they will do their duty.

The Senator next insists that the acquisition of these lands will prove no benefit to the new States, and predicts that it would involve them in incessant agitation and trouble. Such might be the case, if the cession was absolute; but the bill contains provisions which will prove an effectual check against these difficulties. To place its provisions beyond alteration or attack, it is expressly provided that, if they should be violated by the States, the cession itself should be void, and all grants made subsequent thereto shall be null and of no effect. They are thus placed under the safeguard of the Judiciary, and the courts of the Union will determine on questions growing out of their infraction. For this purpose, the cession has assumed the form of a compact, and I feel confident that, under its provisions, the new States would administer the land without agitation or any serious trouble or difficulty. If this can be effected, I appeal to the Senators, whether the land within their limits ought not to be under their local administration? I, for one, feel that we of the old States have not, and cannot have, that full and accurate local knowledge necessary for their proper management. Of all the branches of our business, it is that which I least understand. From this defect of information, the Land Committee has it almost exclusively under its sole control, whenever it is so constituted as to attract in any degree the confidence of the House. This has been the case from the first. I well remember, that when I first took my seat in the other House, Jeremiah Morrow, a member from Ohio, a man of great integrity and good sense, was the chairman of the Committee on Public Lands, and was, in fact, the sole legislator on all subjects connected with them; and in this body we have almost invariably yielded our judgment to the committee, from a conscious want of information. The difficulty is growing from year to year, with the vast increase of the new States and Territories, and the growing complication of our land code; and the consequent increase of business is such that we already have scarce time to despatch it with due attention. In a short time the increase will be doubled; and what shall we then do? By passing this bill, we will be wholly relieved from this burden, and the questions we are now compelled to determine without adequate knowledge will then be settled by those whose local knowledge will make them familiar and well acquainted with the subject.

But we are told by the Senator that the public lands have been well administered by the General Government, and that he cannot surrender his belief but that they will continue so to be. That they were well administered in the early stages of the Government, while they were not an object of much pecuniary or political interest, I am ready to admit; but I hold it not less certain, that as the number and population of the new States increase, and, with them, the value of the public lands and the political importance of those States, we must become year by year less and less competent to their management, till finally we shall become wholly so. I believe that we are not now far from that period. Does not the Senator see the great and growing influence of the new States, and that it is in the power of any unprincipled and ambitious man from one of them to wield that influence at his pleasure? Should he propose any measure in relation to the public lands, be it ever so extravagant and dangerous, the members from the new States dare not vote against it, however adverse to the measure. It is useless to disguise the fact that our possession of so much land in the new States creates and cherishes an antagonist feeling on their part towards the Government, as to every measure that relates to them. They naturally consider your policy as opposed to their interest, and as retarding their growth and prosperity, as great as they are. We must take human nature as it is, and accommodate our measures to it, instead of making the vain attempt to bend it to our measures. We must calculate that the means of control, which this state of things puts into the hands of the ambitious and designing, will not be neglected; and, instead of idly complaining, let us remove the cause by wise and timely legislation. The difficulties and dangers are daily on the increase. Four years more will probably add three more new States, and six additional Senators, with a great increase of members in the other House; and, what is more important, a corresponding increase of votes and influence in the electoral college. Can you doubt the consequences? The public lands, with their immense patronage, will be brought to bear more and more on the action of Congress; will control the presidential elections; and the result will be, that he who uses this vast fund of power with the least scruple will carry away the prize.

The Senator himself sees and acknowledges the approach of this dangerous period, and agrees that, when it does come, we must surrender the public lands within the new States; but is for holding on till it shall have actually arrived. My opinion is the reverse. I regard it as one of the wisest maxims in human affairs, that when we see an inevitable evil, like this, not to be resisted, approaching, to make concessions in time, while we can do it with dignity, and not to wait until necessity compels us to act, and when concession, instead of gratitude, will excite contempt. The maxim is not new. I have derived it from the greatest of modern statesmen, Edmund Burke. He urged its adoption on the British Gov-

ernment, in the early stages of our Revolution; and if the obstinate and infatuated statesman, Lord North, then at the head of affairs, had listened to his warning voice, it may be doubted whether our Revolution would have taken place; but events were ordered otherwise. The voice of wisdom was unheeded, and the Revolution followed, with all its consequences, which have so greatly changed the condition of the world.

I have thus hastily, and without the advantage of previous reflection, replied to the arguments of the Senator from Massachusetts. I would have been much gratified if a course better suited to the magnitude of the subject and more favorable for full and deliberate discussion, had been adopted; but, as it is, I have passed over no argument, as far as I can remember, which he advanced, and, I trust, have replied to none which I have not successfully refuted.

I shall now conclude with a few remarks in reply to the Senator from New Jersey, [Mr. SOUTHARD.] He tells us that he will not bid for the new States. (I regret, said Mr. C., that I do not see him in his place.) Does he mean to intimate that, in introducing this bill, I am bidding for them? If he does, I throw back the injurious imputation. I indignantly repel the charge. No, sir, I am not a bidder. What I have done has been from an honest conviction of duty, and not less for the benefit of the old than the new States. The measure I conscientiously believe would be alike serviceable to both.

[Mr. SOUTHARD, who had been absent, here returned to the chamber. Mr. C., seeing him, repeated his remarks; on which, Mr. S. disclaimed having said any thing like what Mr. C. understood him to have said. On which, Mr. C. resumed:]

I am happy to hear it. I felt confident that the Senator could not intend to cast so injurious an imputation on me, and I rejoice to hear from his own lips the frank and honorable disclosure he has made.

But I not only believe the measure to be beneficial and expedient, but I firmly believe it to be indispensable, in order to restore the Government to a sound and healthy condition.

The tendency of our system to centralism, with its ruinous consequences, can be no longer denied. To counteract this, its patronage must be curtailed. There are three great sources to which its immense patronage may be mainly traced, and by which the Government is enabled to exert such an immense control over public opinion—the public lands, the post office, and the currency. The first may be entirely removed. This bill will cut it up root and branch. By a single stroke we would not only retrench this growing and almost boundless source of patronage, but also free ourselves from the pressure of an immense mass of business, which encumbers our legislation, and divides and distracts our attention; and this would be done without impairing, in the long run, our pecuniary resources. In addition, the measure would place the Senators from the new States on the same equal and independent footing in this chamber with ourselves. In such results who would not rejoice? The Senators from the new States would especially have cause to rejoice in the change. Relieve them from the dependent condition of their States, and they would be found in the front ranks, sustaining the laws and the constitution against the encroachments of power.

But the Senator from New Jersey tells us that we have no power to pass this bill, as it would be in violation of the ordinance which makes the public land a common fund for the benefit of all the States; and that we, as trustees, are bound to administer it strictly in reference to the object of the trust. In reply, I might ask the Senator how he can reconcile his construction of the ordinance with the constant practice of the Government, in which, if I mistake not, it has been sustained by his vote? How many grants have been made out of the public domain to colleges, academies, asylums for the deaf and dumb, and other institutions of like character? If such concessions be consistent with the provisions of the ordinance, what prevents this bill from being so also? But I rest not my reply on that ground. I meet the Senator according to his interpretation of the ordinance. I assert boldly that the disposition this bill proposes to make of the portion of the public domain within the new States is the very best, under existing circumstances, that can be made, regarding it in reference to the common interest of all the States. Let it be borne in mind, that all sides agree the new States will soon be able to command their terms, when others less favorable to the common interest may be imposed. If we of the old States make it a point to hold on to the last, they will, by a necessary reaction, make it a point to extort all they can when they get the power. But if we yield in time, a durable arrangement may be made, mutually beneficial and satisfactory to both parties.

The Senator further objects, that if this bill should pass, its provisions would be extended, from necessity, to all States which may hereafter be admitted into the Union. I must say, I see no such necessity; but my present impression is, that such would be the course that wisdom would dictate. According to my mode of thinking, all the revenue we may derive from the sales of lands in a State, after its admission, is not to be compared in importance to its independence as a sovereign member of the Union; for there is no danger of the falling of our institutions for the want of pecuniary means, while there is no small danger of their overthrow from the growing and absorbing attraction of this central power.

Mr. WEBSTER objected to the delay, and to having any impression made abroad that a majority of the Senate could be brought to look favorably on such a scheme.

Mr. WALKER was opposed to having the subject referred to the Committee on the Public Lands, because a majority of that committee consisted of members from the new States. And, however upright and honorable might be their intentions, they would be liable to have their judgments warped by their position and prejudices. Mr. W. would be unwilling to trust his own judgment on such a question. He should greatly prefer that the bill be sent to a select committee, so organized that a majority of its members should consist of gentlemen from the older and larger States of the Union; so that, if possible, a plan containing the general principles of this bill might be devised, in which all parties would agree. It was no new proposition. It had been made long ago. Senators from the older States had sustained it by their speeches, and it had been repeatedly recommended by the President. It had been advocated by the Vice President also, by Mr. Tazewell, and by the venerable Macon, who advocated a measure even more liberal than that now proposed. Mr. W. hoped that the Senate would neither be excited nor alarmed by appeals from any quarter. He had no idea of any definitive action on the subject during the present session, but he wished that a full report might be obtained, and the whole subject maturely considered.

Mr. BENTON was opposed to the motion for reconsideration, and in favor of a select committee. He approved of both the leading principles of the bill—the cession to the new States and the graduation of price—but not of all its details. He was unwilling to bind his constituents for 30 years, as the Western strength would be very soon vastly augmented. He hoped that the Senators from the old States would take up the subject, and present a report upon it. This would be a preparatory step, and make some progress towards the object

in view. No one could throw his eyes over the Union, without perceiving that in a very short time some adjustment of this matter must take place. Some of the Senators from the new States had repeatedly jumped up and declared that if the graduation principle was lost at this time, it was gone forever. Mr. B. was not to be so discouraged. The more votes they lost the more confident he felt of ultimate success; for where the fundamental principles of a measure were good and sound, he had often observed that the darkest period of its hopes was just before day. The more gloomy its prospects appeared for a time, the more sure were they soon to break out with the brilliancy of the rising sun. In this great measure of extinguishing the federal title to the land in the new States, (for he considered it a parallel measure to the extinction of the Indian title,) he had never doubted of eventual success. He could no more doubt this, than any future event which depended on natural causes. This did depend on natural causes—on causes fixed as nature herself—viz: on the increase of population in the West. Those States must in a very short time obtain a preponderance in the national councils. If the West was not strong enough numerically to determine this question of the public lands, she would accomplish it by the perfect union of her representatives, and the consequent weight of their influence. He had always told his constituents that the time would come when the Congress of the United States would cease to be the local Legislature of the new States, to whom they must look, and on whose pleasure they must depend, even for the correction of an erroneous entry in the public lands—a sort of business for which Congress was eminently unfitted. Mr. B. was not going to enter into the question at this time; he would only repeat, that he looked forward with confidence to the extinction of the federal title to the soil of the Western States. Six years ago, the attention of the Senate had been strongly directed to that subject; and there was at that time a pretty general expression of the conviction that the period would soon arrive when this thing must be decided; and that whoever should be able to effect an arrangement of it on just and equitable terms would be entitled to be considered as a benefactor to his country. Things were then fast verging to the very point which they now seemed to approach. But a proposition to divide the proceeds of the public lands among the States had created an interest antagonistical ("yes, antagonistical") to that of the new States. From that day to this, the doctrine that Congress is to sell the public lands for as much money as they can get, and divide the proceeds among the States, had operated as an indudement, especially to the populous States, to oppose the original plan, and had for a time checked the current of public opinion. But that current was now recovering its force. The opposition which checked the principle of graduation and pre-emption and ultimate cession was fast running out, and things were reverting to their old channel. He had always known that the diversion was but temporary, and had looked with anxiety to the time when the new Senators from Arkansas and Michigan would take their seats in that chamber. If, however, they could not yet succeed, all they had to do was to sustain their position, and not think of surrendering because they had been once whipped. We will wait till Wisconsin comes into the Union; and, if Oceola should ever be conquered, till Florida too should come in. Let them only have patience, and the question would be in the hands of the new States. He said this not in a boastful spirit. He did not say that they would take the public domain on their own terms. He should be as far from wishing to do injustice, when the new States came to have the upper hand, as any gentleman on the other side could be, now that the old States had the upper hand. He hoped that the whole subject would be entered upon, with the desire of bringing it to a conclusion that should be just and equitable as well to the old States as to the new. On all efforts to this good end he would pray Heaven to shed its auspicious benedictions.

Mr. HUBBARD said that it was for the reason that there was so much public and private business now on the calendar, of high importance to the nation, and of deep interest to individuals, requiring the action of the Senate, that he was opposed, unqualifiedly opposed, to the consideration of the bill presented this morning by the Senator from South Carolina. He might ask, why was this subject brought to the notice of the Senate at this period of its session? Why has not the Senator from Carolina seen fit to introduce this measure before? Why did he not bring it forward at an early day, as a substitute for the bill which has received so much of the attention of the Senate, and which has so recently been ordered to a third reading? Certainly there can be no occasion for passing that bill, if this bill, now offered to the Senate, is to find favor. If the public domain is to be ceded at once to the respective States in which it is located, there can be no propriety or fitness in any further action upon the bill which has engrossed so much of the consideration of the Senate since the commencement of the session. It is for the reason that the Senate has well matured that measure—has made it acceptable to the majority of its members—that, in all probability, no further discussion will be had upon it—that no further opposition will be made to it—that it must soon receive the favorable and the final action of this body—that he was unwilling to have another, a different, and a distinct proposition, with reference to the public lands, presented to the Senate, when only the short period of three weeks remains before this Congress must close its labors. He could assure the friends of the land bill now ordered to a third reading, that the bill of the Senator from South Carolina must and will, in his judgment, embarrass if not prevent its final passage. He would then unhesitatingly advise the friends of that measure to permit this bill to remain without any further action. In his opinion, a proper regard to the present state of the public business requires that there should be no further agitation here in relation to the public lands. Every Senator conversant with the amount of business upon the docket, indispensably requiring the immediate consideration of Congress, cannot, he believed, feel ready and willing now to enter upon this bill. No Senator can for a moment doubt, that whenever this subject is presented, it must and it will be debated, at every point. The very character of the measure is calculated to agitate the country, and must elicit a protracted discussion here.

He was then utterly opposed at this time to the consideration of the bill offered by the Senator from South Carolina. As a friend to the bill reported by the Committee on Public Lands, he was opposed to it. And knowing, as he well did, the state of the calendar, he was opposed to any further notice of this bill; and, before he sat down, he intended to move to lay the motion made by the Senator from Massachusetts on the table; which, if adopted, would lay also upon the table the bill offered by the Senator from South Carolina; and there he was willing it should rest until the commencement of another session.

The Senator from Missouri had said that the time would come when the Government would cede the public lands to the respective States in which the lands are situated. That time may come; and, for one, he had full confidence in the justice of the country; and whenever public policy required the cession of the public lands to the new States, he had no doubt it would be done by the Government upon such just and equitable

terms as would be acceptable both to the old and to the new States. But that time has not yet arrived. The public mind has not, as yet, been directed to this matter. There was no ground of public policy or of general expediency which at this particular time recommended the measure to the favorable consideration of the people. Enough has been done; the bill has been brought forward; it has been received and read, and will be printed. There let the matter rest. The public attention will necessarily be drawn to this subject, and all has been done that ought to be done. The action of Congress should follow the lead of public sentiment.

Upon the all-important subject of the public domain—a subject in which the people of the whole country are interested—there should be no proceeding here tending to control the course of public opinion. Let the people come forward and express their wishes and their wants in relation to this matter; then, and not till then, ought Congress to act. He was, then, on every view of this subject, opposed to any further proceeding at this time upon the bill offered by the Senator from South Carolina. He was of opinion that evil, rather than good, to the cause of the new States, would be the effect of any premature action upon this subject on the part of Congress. He would, therefore, let it rest; and, in order to test the opinion of the Senate at once, he would now move to lay the motion of the Senator from Massachusetts on the table.

Mr. H. withdrew the motion, on request of

Mr. CALHOUN, who again pressed for a select committee. The time for action had arrived. The measure had already been presented to the public, and could not be unpresented; and he wished the country to hear and consider the arguments both for and against it.

The question on reconsideration was now put, and decided in the affirmative, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, Niles, Page, Parker, Prentiss, Rives, Robbins, Ruggles, Southard, Strange, Swift, Tallmadge, Tomlinson, Wall, Webster, Wright—29.

NAYS—Messrs. Benton, Black, Calhoun, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Lyon, McKean, Moore, Morris, Mouton, Nicholas, Norvell, Preston, Robinson, Sevier, Tipton, Walker, White—22.

So the Senate resolved to reconsider the second reading of the bill, and it is therefore before the Senate on its first reading.

PUBLIC LANDS.

The question then recurring on the land bill,

Mr. CALHOUN said: I have received, within the last forty-eight hours, a communication from the Chief Magistrate, connected with the bill now before the Senate, of such a nature that duty to myself, as well as to this body, renders it necessary that I should lay it before the Senate.

[Here Mr. C. sent to the Secretary the letter, which was read, as follows:]

WASHINGTON, *February* 7, 1837.

SIR: In the Globe of the 6th instant I find the report of a speech made by you on the 4th, upon the land bill, which contains the following passages, viz:

"Was it not notorious that the President of the United States himself had been connected with the purchase of the public lands? Yes, the 'experiment' (Mr. CALHOUN delighted in the word) was the cause of speculation in public lands; and if this bill should not be passed, speculations could not go on, and the price of the public lands must consequently be reduced. He contended that every man could not but see that it would be utter ruin to those who had borrowed money to speculate in lands, if the system was not to go on." In a former part of your speech, as reported, you say: "The speculation, which a particular state of things had given rise to, had been produced by those in power. They had profited by that state of things; and, should this bill be passed, it would only consummate their wishes," &c.

Knowing the liabilities of reporters to err, in taking down and writing out the speeches of members of Congress, I have made inquiry in relation to the accuracy of this report, and have been furnished with certificates of gentlemen who heard you, affirming that it is substantially correct.

You cannot but be aware, sir, that the imputations which your language conveys are calculated, if believed, to destroy my character as a man, and that the charge is one which, if true, ought to produce my impeachment and punishment as a public officer. If I caused the removal of the deposites for the base purpose of enriching myself or my friends by any of the results which might grow out of that measure, there is no term of reproach which I do not deserve, and no punishment known to the laws which ought not to be inflicted upon me. On the contrary, if the whole imputation, both as to motive and fact, be a fabrication and a calumny, the punishment which belongs to me, if guilty, is too mild for him who wilfully makes it.

I am aware, sir, of the constitutional privilege under which this imputation is cast forth, and the immunity which it secures. That privilege it is in no degree my purpose to violate, however gross and wicked may have been the abuse of it. But I exercise only the common right of every citizen, when I inform you that the imputations you have cast upon me are false in every particular, not having for the last ten years purchased any public land, or had any interest in such purchase. The whole charge, unless explained, must be considered the offspring of a morbid imagination or of sleepless malice.

I ask you, sir, as an act due to justice, honor, and truth, to retract this charge on the floor of the Senate in as public a manner as it has been uttered; it being the most appropriate mode by which you can repair the injury which might otherwise flow from it.

But in the event that you fail to do so, I then demand that you place your charge before the House of Representatives, that they may institute the necessary proceeding to ascertain the truth or falsehood of your imputation, with a view to such further measures as justice may require.

If you will neither do justice yourself, nor place the matter in a position where justice may be done me by the representatives of the people, I shall be compelled to resort to the only remedy left me, and, before I leave the city, give publicity to this letter, by which you will stand stigmatized as one who, protected by his constitutional privilege, is ready to stab the reputation of others, without the magnanimity to do them justice, or the honor to place them in a situation to receive it from others.

Yours, &c.

ANDREW JACKSON.

The Hon. J. C. CALHOUN,
U. S. Senate.

P. S. I herewith enclose you the copies of two notes, verifying the correctness of the report of your speech in the Globe of the 6th instant. A. J.

No. 1.

WASHINGTON CITY, *February* 6, 1837.

At the request of the President of the United States, I hereby certify that I was present in the gallery of the Senate of the United States on Saturday, the 4th instant, during a discussion upon the land bill, and heard some

of the remarks of Mr. CALHOUN upon that subject, in which the President was charged with being a speculator in public lands.

On coming out of the Capitol, the subject was mentioned to me by a friend of the President; and my recollection of the words used accorded with what he understood had been said, and which is substantially the same as reported in the Globe of the 6th instant.

ARTHUR CAMPBELL.

No. 2.

WASHINGTON, *February* 7, 1837.

SIR: In answer to your inquiry of me, whether Mr. CALHOUN, in his remarks on the land bill, on Saturday last, used the words attributed to him by me in the report which appeared in "the Globe" of yesterday, viz: "Was it not notorious that the President of the United States himself had been connected with the purchase of public lands?" I would state that I have referred to my short-hand notes, and find that such was the language he used, according to the best of my knowledge and belief.

Yours, very respectfully,

W. E. DRAKE.

I certify that No. 1 and No. 2 are true copies of the originals.

Test: A. JACKSON, JR.

I do not intend, (said Mr. C.,) in what I propose to say, to comment on the character or the language of this extraordinary letter. It has excited in my bosom the mingled feelings of pity for the weakness of its author, contempt for his menace, and humiliation that one occupying the office which he does should place himself in a situation so unworthy of his exalted station. Nor do I intend to invoke the interposition of the Senate to protect the privilege attached to a Senator from one of the sovereign States of this confederacy, which has been outraged in my person. I seek no aid to defend my own privileges; and, so far from being intimidated, I shall be emboldened to express myself with greater freedom, if possible, to denounce the corruption of the administration, or the violation of the laws and of the constitution, in consequence of this attempt to restrain the free exercise of the right of expressing my opinions upon all subjects concerning the public interests, secured to me by the constitution. I leave to the Senate to determine what measures the preservation of their own privileges demands.

Much less do I intend to comply with the request or demand made of me; demand has no place between equals; and I hold myself, within my constitutional privilege, at least equal to the Chief Magistrate himself. I, as a legislator, have a right to investigate and pronounce upon his conduct, and to condemn his acts freely, whenever I consider them to be in violation of the laws and of the constitution. I, as a Senator, may judge him; he can never judge me.

My object is to avail myself of the occasion to reiterate what I said, as broadly and fully as I uttered them on a former occasion, here in my place, where alone I am responsible, and where the friends of the President will have an opportunity to correct my statement if erroneous, or to refute my conclusions if not fairly drawn. I spoke without notes, and it may be that I may omit something which I said on the former occasion that may be deemed material, or express myself less full and strong than I then did. If so, I will thank any Senator to remind me, so that my statement now may be as strong and as full as then.

If my memory serves me, I opened my remarks, when I spoke formerly, by stating that so many and so subtle were the devices by which those who were in power could, in these times, fleece the people, without their knowing it, that it was almost enough to make a lover of his country despair of its liberty. I then stated that I knew of no measure which could better illustrate the truth of this remark than the one now before us. Its professed object is to restrict the sales of public land, in order, as is avowed, to prevent speculation; and, by consequence, the accumulation of a surplus revenue in the Treasury. The measure is understood to be an administration measure. I then stated that, so far from preventing speculation, it would, in fact, but consummate the greatest speculation which this country had ever witnessed—a speculation originating in a state of things of which those in power were the authors; by which they had profited; and which this measure, should it become a law, would but complete. I then asked what had caused such an extraordinary demand for public land, that the sales should have more than quintupled within the last three years? and said that, to answer this question, we must look to the state of the currency. That it was owing to the extraordinary increase of bank paper, which had filled to repletion all the channels of circulation. The Secretary had estimated this increase, within that period, at from six dollars and fifty cents per individual to ten dollars. I believe the increase to be much greater; the effects of which have been to double the price of every article which has not been kept down by some particular cause. In the mean time, the price of public land has remained unaltered, at one dollar and twenty-five cents the acre; and the natural consequence was, that this excessive currency overflowed upon the public land, and has caused those extraordinary speculations which it is the professed object of this bill to prevent.

I then asked, what had caused this inundation of paper? The answer was, the experiment, (I love to remind the gentleman of the word,) which had removed the only restrictions that existed against the issue of bank paper. The consequence was predicted at the time; it was foretold that banks would multiply almost without number, and pour forth their issues without restriction or limitation. These predictions were at the time unheeded; their truth now begins to be realized.

The experiment commenced by a transfer of the public funds from where they were placed by law, and where they were under its safeguard and protection, to banks which were under the sole and unlimited control of the Executive. The effect was a vast increase of executive patronage, and the opening a field of speculation, in describing which, in anticipation, I pronounced it to be so ample, that Rothschild himself might envy the opportunity which it afforded. Such it has proved to be.

The administration has profited by this vast patronage, and the prejudice which it has excited against the bank, as the means of sustaining themselves in power. It is unnecessary to repeat the remarks in illustration of this. The truth of the statement is known to all the Senators who have daily witnessed the party topics which have been drawn from this fruitful source. I then remarked that, if rumor were to be trusted, it was not only in a political point of view that those in power had profited by the vast means put in the hands of the Executive by the experiment; they had profited in a pecuniary as well as in a political point of view. It has been frequently stated, and not contradicted, that many in high places are among the speculators in public lands; and that even an individual connected with the President himself, one of his nephews, was an extensive adventurer in this field of speculation. I did not name him, but I now feel myself called upon to do so. I mean Mr. McLemore.

Having established these points, I next undertook to show that this bill would consummate those speculations, and establish the political ascendency which the experiment had given to the administration. In proof of the

former, I availed myself of the declaration of the chairman of the Committee on Public Lands, who had stated that the speculators had already purchased and held a vast amount of public land, not less, as I understood him, than twenty-five or thirty millions of acres; and that, if this bill did not pass, the scenes of the last two years would be repeated in this and the coming year. I then undertook to show, from the showing of the chairman himself, that these speculations would prove ruinous without the aid of this bill. He had stated that the annual demand for public land, resulting from our increased population, could not exceed five millions of acres.

Now, assuming that the quantity on hand is thirty millions of acres, there would be six years' supply in the hands of speculators, even if the land offices of the United States be closed; and that if the bill did not pass, according to his showing, it would take double or treble the time to dispose of the lands which, in that case, will be in the hands of speculators. All must see the certain ruin, in that event, of those who have borrowed money to speculate in land; particularly if the sales of public land should be free and open to every one, as it now is, to purchase to the extent of his means. I next showed that the contest was between the Government, as a dealer in public land, and the speculators; that they held in market at least an equal quantity in value to that which the Government now has offered for sale, and that every restriction imposed upon the sales of Government land must, of necessity, increase the advantages of its rival dealers.

I then showed that very onerous and oppressive restrictions, of an odious character, upon the sales of the public lands, would be imposed if the bill should pass. No one thereafter could purchase land of the Government without a license—a license, in my opinion, as offensive and odious as would be a license on the press. To obtain this license, the oath of the applicant was required, and then it could only be obtained on payment of one dollar and twenty-five cents per acre, for which the citizen may now receive a grant in fee simple. After he had made his purchase, under the authority of his license, the purchaser has to comply with the condition of settlement and cultivation, and must, within the period of five years, prove to the satisfaction of the register and receiver, who are made high judicial officers, a compliance with these conditions, before he can receive his title; and if he failed to comply, by accident or otherwise, he forfeits both his money and the land. I stated that this was a virtual increase of the price of the public lands to the actual settler; so much so, that any sober-minded man would prefer to give the speculators two dollars per acre for land of the same quality, to giving the Government one dollar and twenty-five cents for a license with these oppressive conditions.

Having established this point, I then undertook to show that it would increase vastly the power of the Government in the new States, if they chose to exercise this patronage for political purposes. That they would so use it, we have ample proof in the past conduct of the administration, and in the principles which have been openly avowed by its friends. A former Senator from New York, high in the confidence of the party, and now Chief Magistrate of that State, has openly avowed, in his place on this floor, that to the victors belong the spoils; for which he was reprimanded at the time by the Senator from Massachusetts [Mr. WEBSTER] in a manner worthy of his distinguished talents. Assuming, then, that the power would be exercised with a view to political influence, I showed that it would place a vast number of the citizens of the new States, probably not less than one hundred thousand, in a condition of complete dependence on the receivers, and of vassalage to the Government.

These are the sentiments which I delivered on a former occasion, and which I now reiterate to the full extent—omitting nothing that is material, as far as connected with the letter of the President; and for the delivery of which, my privileges as a Senator, and those of this body, have been so grossly outraged.

Mr. GRUNDY said that he had risen not to say any thing respecting the letter and certificates which had been read, nor of the feelings of the Senator from South Carolina towards the President, or of the President towards that gentleman. With their long continued and unhappy differences and misunderstandings he had nothing to do. He should rather say, with the poet,

Non nobis tantas componere lites.

He regretted greatly that any such misunderstanding should exist; and whatever the Senate might think proper to say or do in the case, if his judgment approved of it, he should cheerfully assent. Something certainly was due in justice to the Senator from South Carolina. Mr. G. did not so understand him as he had been represented. He had listened attentively, and had not heard any thing from that gentleman which induced him to believe that any intimation in his speech was directed against the President, personally or individually. The charge had been of a general character, and much in the language now stated. That which had chiefly arrested his attention in the recapitulation now made was the connexion between Mr. McLemore and the President of the United States. Mr. McLemore was one of Mr. G's nearest neighbors. He could not say that he was intimately acquainted with the nature of that gentleman's business, but he had a general impression as to what it was. And he might venture very safely to say that Mr. McLemore had not borrowed money to speculate upon since the removal of the deposites. Though certainly a man of great wealth, he had enough to do to pay his own debts; nor was it in his power to obtain as much accommodation from the banks as many others of less property than himself. Mr G. did not believe that he had any interest in the proceedings referred to. He had been a locater of land for others, and Mr. G. had heard that he was in the habit of obtaining $200 for every tract of one mile square which he located. He did not, however, speak this from his own knowledge. From all he knew of Mr. McLemore's affairs, he did not believe that the operations of this Government were looked to by him for purposes of speculation. The remarks of the Senator from South Carolina, which he understood to relate to this gentleman, constituted the only part of his speech which at all affected the President. To be sure, it was impossible for Mr. G., at the time the Senator was speaking, not to think of certain individuals concerning whom he had heard reports in regard to speculation. There were individuals high in office who were said to be concerned, but Mr. G. had not understood the Senator from South Carolina as referring individually to the President.

Mr. G. said that Mr. McLemore was no relative of the President by consanguinity; he had married the daughter of John Donelson.

Mr. CALHOUN made some remarks. He was understood to say that he had not read the report of his remarks in the Globe, or in any other paper; he had often done so, and generally found them very incorrectly given. Nor was this surprising; the situation of the reporters, and the noise in the chamber, rendered it almost impossible that they should distinctly hear all that was said. The reporter who had certified in this case sat, he believed, immediately behind him; and the reporters of the Globe were never in the habit of submitting to him any of their reports for revision.

Mr. C. did not impute any blame for what had

been reported in the Globe. The President, however, had thought proper to take up that report, and, in commenting upon it, had used language which no gentleman was in the habit of employing to another, and which, indeed, was more worthy of the purlieus of Billingsgate than of the manner of the Chief Magistrate of a great nation.

Mr. WALKER said he should make no remarks on the difficulty which had arisen between the Senator from South Carolina and the President. He had been an attentive listener during the speech referred to, and had not understood the Senator as making any charge against the President personally. The charges had been of a general nature, connecting the removal of the deposites with the system of speculation and with the introduction of the present bill. Mr. W. would say a few words as to the manner in which this bill had been introduced. An address had been delivered by himself in 1830, in which the proposition now imbodied in the bill was substantially proposed; the address had been published, and—

Mr. CALHOUN here interposed, and disclaimed any imputation whatever on the motives of the honorable gentleman in introducing the bill; he had never doubted for a moment that they were honest and patriotic, and that the honorable Senator's whole course in the matter was prompted by his zeal for what he understood to be the interests of the new States.

Mr. WALKER went on to observe that the measure did not originate with the administration; but had in the first place been suggested in the address referred to, and had again been called up to public notice during a severe canvass in his own State during the year 1834. It had no connexion whatever with the removal of the deposites. That, on the contrary, was, he believed, the only administration measure which he had felt it his duty to oppose, not on grounds of constitutional law, however, but on those of expediency alone. Mr. W. then went into a defence of the bill, contending that it would have an effect the very reverse of that which had been predicted on the price of land in the hands of speculators.

Mr. CALHOUN would merely observe that, if he had been led into error in supposing that the funds derived from banks had been used for purposes of speculation in the public lands, he had been led into it by the President himself, who had said so in his message.

Mr. CLAY rose, and said that he had waited, under the expectation that the Senator from Mississippi, [Mr. WALKER,] who had just resumed his seat, or some other friend of the administration, would make some motion founded upon the letter which had been laid before the Senate by the Senator from South Carolina. And if now (added Mr. C., pausing, and looking around the Senate) any friend of the administration has it in contemplation to submit any such motion, I will, with pleasure, give way that it may be made.

That most extraordinary letter (continued Mr. C.) has filled me with the deepest regret and mortification: regret that the illustrious citizen at the head of the Government should have allowed himself to address such a letter, in such a spirit, and in such language, to one of the representatives of a sovereign State of this Union; mortification that the Senate of the United States should be reduced to the state of degradation in which we all feel and know it now to be. That this letter is a palpable breach of the privileges appertaining to this body by the constitution, is beyond all controversy. It has not been denied, and cannot be denied. It is such a letter as no constitutional monarch would dare address to any member of the legislative body; and if he could so far forget himself as to do it, it would make the throne shake on which he sits.

We, Mr. President, who belong to the opposition, have no power to protect the privileges of this body, nor our individual privileges. The majority alone is now invested with authority to accomplish those objects. On that majority rests exclusively the responsibility of maintaining the dignity and the privileges of the Senate. And I have seen, with great surprise, that not one of that majority has risen, or appears disposed to rise, to vindicate the privileges which belong to the Senate. All of them, on the contrary, sit by in silence, as if they were ready to acquiesce in this new invasion of the rights of the Senate by the President of the United States, a co-ordinate branch of the Government.

I heard with satisfaction, from the Senator from South Carolina, that he intended himself to make no motion founded upon the President's letter, but should leave it to the Senate to protect its own rights. How can any member of the minority offer any motion, with that view, after the doctrines which were brought forward by the friends of the administration during the debate which arose on the removal of the deposites, and which have been more recently maintained during that on the expunging resolution, and supported by the vote of the Senate? Such is the lamentable condition to which the Senate is now reduced, how can the majority itself bring up any such motion? According to those doctrines, the Senate, being the tribunal to try the President in the event of an impeachment, has no power or right to express any opinion whatever on the constitutionality of any act which he may perform. He may insult the body or its members; he may enter this chamber with an armed force, disperse the members, and imprison them; but we must submit without murmur or complaint, and patiently wait until the majority of the House of Representatives, composed of his friends, shall vote an impeachment against him; which, if it were possible for them to do, there stands here a majority, composed also of his friends, ready to acquit him!

Let those who have contributed to produce the present unhappy state of things—who have stripped the other branches of the Government of their powers, one by one, and piled them on the Executive, until it has become practically the supreme power—answer for what they have done. Under all the responsibility with which they stand to our God and our country, let them respond for this flagrant violation of the constitutional privileges of the Senate. As for us, the poor privilege only remains of announcing to the people and to the States that the Senate, once a great bulwark of the public liberty, by a succession of encroachments, is now placed at the mercy of the Executive, exposed to every insult and outrage which the unbridled passions of any President may prompt him to offer.

The Senate then proceeded to debate the

LAND BILL.

The bill was then read a third time, and the question being on its passage,

Mr. DAVIS said, in substance, that he had, unfortunately for himself, been detained from the Senate most of the time while this measure had been under discussion, and had lost the benefit of the remarks of gentlemen who were well acquainted with the subject; but as it was a measure of great public importance, involving great interests and a vast amount of property, he had felt anxious to express his sentiments in regard to it. He hoped he might at this late period be indulged in adverting to some of the leading objections (for he should attempt no more) which had pressed themselves upon his mind.

The public domain, said he, is almost boundless in extent, and its value can scarcely be estimated. It is at least several hundred millions of dollars—a treasure

greater than was ever possessed by any nation as public property. I consider it as common property, belonging to the people of the United States, and to the whole people. All have a deep interest in it, and have a right to know what disposition is made of it. If it were money, the public would be watchfully alive to the preservation and appropriation of it to the common good; but it is not of the less value, nor is it the less useful, because it consists in what may be converted into money.

The opinion was put forth a few years ago, that the new States alone had a right to the land within them; and as fast as new States were admitted into the Union the right of the United States to such lands was extinguished. We now hear almost daily on this floor pretensions set up of large rights in such States. Members here talk of our lands, and claim, in one form and another, exclusive privileges and advantages for their own constituents. The Senator from Arkansas asserts that any and all persons have an unquestioned right to occupy the public lands. The man who squats, as the phrase is, or seizes the public lands without color of right, and against the laws of the United States, is not only countenanced, but no language of encomium is sufficiently adulatory to express his merits.

Sir, I repeat, the public lands are public and common property, belonging to the whole people, and the whole people have a right to the benefit of them; and my principal motive in rising is to protest against partial and unjust legislation; to deny the right of the Senate to bestow them upon a class of favored individuals.

It is well known that the original boundary of the United States on the west was the Mississippi river. The country lying east of it, and between the Atlantic and the British provinces, was achieved by the common treasure, sacrifices, and blood, of the revolutionary war. This is the region declared by the treaty of 1783 to be free, sovereign, and independent. This was the great work of the old thirteen--the noble achievement of three millions of colonists, without funds, and almost without arms and ammunition, against the colossal power of Great Britain. It was the noble daring of lofty spirits, and will go down to all ages as a marked proof that a people resolved to be free cannot be subdued.

Of this territory, all west of the Alleghanies and north of the Ohio river was, with the exception of some military posts, then a vast wilderness. Indeed, the whole valley of the Mississippi was substantially so. Each State claimed limits coextensive with the charter granted to it as a colony by the Crown of Great Britain. When these charters were granted, the geography of the country was very imperfectly understood, and the grants, for the want of accurate boundaries, interfered with each other, covering often the same territory. This gave rise to conflicting claims in all parts of the country, some of which are not adjusted to this time. The charter of Massachusetts, for example, stretched across the continent, from the Atlantic to the Pacific ocean; and so of some other States. Virginia claimed to the lakes. In 1783, all these conflicting claims were adjusted by deeds of cession from several States to all the States of this wild territory north of the Ohio and east of the Mississippi, for the benefit, as the deeds express it, of the States; and it was to be held and enjoyed for the benefit of the States, the United States not being named as such. This is the manner in which it became common property, in which each State was thus interested, and it was pledged for the redemption of the public debt. While the deeds of cession thus make it the property of the States, by language which admits of no evasion or misconstruction, they also provide for the division of it into States, and their admission into the Union when the territory should be inhabited.

It is thus rendered entirely clear that the new States were not to be the owners of these lands; for the pledge of them to pay the public debt, and the declaration that they should be held for the common benefit, are inconsistent with such a claim.

The lands west of the Mississippi and in Florida were purchased by the United States from France and Spain, and we paid for them twenty millions of dollars out of the public Treasury. The title to this vast domain is also equally clear. In addition to this, enormous sums have been paid to extinguish the Indian title.

The title, therefore, of the United States cannot be made questionable. The public lands are common treasure, and must be dealt with as such. The United States have always so treated them, and I must be allowed to recur to the general course of policy which has been pursued, to show what has been public sentiment.

A system of selling and settling then was at once, after the cession, adopted, the details of which I need not enter into, beyond what is necessary to prove that the public interest was guarded with watchful vigilance, and all attempts to give it away or to encourage intruders firmly resisted. As far back as 1796, I find that the subject of pre-emption rights was brought before Congress, and the Committee on Public Lands reported "that, inasmuch as illegal settlements on the lands of the United States ought not to be encouraged, and as yielding to the said claims [for pre-emption] would interfere with the general provisions for the sale of said lands, in their opinion, the prayer of said petitions ought not to be granted;" that is, the petitions of persons asking for pre-emption rights, because they had entered without authority upon the public lands.

In 1801, the Committee on Public Lands reported—

"That [certain petitioners represented that] with much labor and difficulty they had settled upon, cultivated, and improved, certain lands, the property of the United States, between the waters of the Scioto and Muskingum rivers, and had thereby not only enhanced the value of the lands upon which they had respectively settled, but of other lands in the vicinity of the same, to the great benefit of the United States, and prayed for a pre-emption right to those lands, at two dollars the acre," [then the minimum price of public lands.]

"Your committee are of opinion that, as there are many others in the situation of the petitioners, if the indulgence prayed for be granted, it ought to be general; but, whatever may be the hardships sustained by the petitioners, and however great our disposition to relieve them therefrom, believing, as the committee do, that granting the indulgence prayed for would operate as an encouragement to intrusions on the public lands, and would be an unjustifiable sacrifice of the public interest, report, as their opinion, that the prayer of the petitions ought not to be granted."

In 1806, I find another report on pre-emption rights, which concludes thus:

"An indulgence in the present instance would encourage abuses in future, and might eventually lead to an entire abandonment of the existing land system, in exchange for one wholly incompatible with the idea of deriving revenue from the sale of public lands, and, by encouraging migration beyond its natural and necessary progress, create an interest hostile to the general welfare of the Union. It might be observed, further, that, by an extension of this right to the claimants, we enable individuals to select and engross the most eligible spots, in point of situation and soil, and thereby destroy all competition in the public sales."

How prophetic these remarks were, will be seen in the sequel.

In 1812, the committee, in regard to pre-emption rights, hold the following language:

"The committee are of opinion that promiscuous and unauthorized settlements on the public lands are, in many respects, injurious to the public interests; good policy forbids that any encouragement should be given to such intrusions. It was prohibited by the Congress under the confederation, and has been made penal by an act under the present form of government. Congress cannot, in the opinion of the committee, grant the prayer of the petitioners, in its full extent, without destroying the effect intended to be produced by the law prohibiting intrusions on the public lands. To legalize a direct violation of the law must, by obvious consequence, encourage future violations."

This law is now in force, and this report was made by Mr. Morrow, of Ohio, a gentleman well acquainted with the public land and the interests of the United States. By a departure from this wise policy, all the pernicious consequences which he so distinctly points out have been realized.

In 1824, the Committee on Public Lands again reported as follows, in regard to pre-emption rights:

"The committee are of opinion that an extension of these principles would be injurious to the Government as well as to those who may hereafter become the purchasers of public lands, and probably to those who may venture to settle upon Government land without authority hereafter.

"It cannot be perceived by what principle persons having no color of title should, after lands on which they have settled were known to belong to the United States at the time of making such settlement, claim the pre-emption right to such lands.

"Should the Government sanction applications of this nature, an inducement would be offered to persons of an enterprising disposition to anticipate, in every quarter, the Government in its sales of the public lands, and to settle upon and improve the most valuable tracts of land, which they would claim at the minimum price, whenever such lands were brought into the market by the authority of the United States.

"Purchasers of lands, finding themselves prevented from acquiring good lands, would abstain from purchases, and resort to illegal settlements, in the hope of obtaining that at the minimum price, which they could not obtain at fair and open sale.

"Thus, a competition would be excited among a certain description of our population to locate themselves upon the public lands, without regard to lines or boundaries, and with very little respect for the rights either of the Government or their Indian neighbors. * * *

"A system of indulgence to those who trespass, by making unauthorized settlements upon the public lands, after those lands are known to belong to the United States, would, in the opinion of the committee, be productive of much perplexity to the Government, as well as of injury to those concerned in the purchase and settlement of the public domain."

Without troubling the Senate further by reference to the doings of Congress, I may here remark that this was the wholesome doctrine which guided and regulated action here in regard to the public lands until 1830. A deaf ear was invariably turned upon all entreaties to grant what are denominated pre emption rights. None stood more firmly against them than the members from the new States. The injurious consequences were foreseen, and our predecessors comprehended how difficult it would be to retrieve a false step. In 1820, the minimum price of public lands was reduced from two dollars to a dollar and a quarter an acre, and all credit abolished; which system is now in operation.

In 1830, the first pre-emption law, which extended to the public lands generally, was passed, under pretence of quieting the possessions of a few poor people who had established homes upon the public land, and asked for a few acres, at the minimum price, which they had cultivated about their houses. The argument addressed to the humanity of Congress prevailed. The speculators, in the guise of poor men, seduced Congress. It seemed just in itself; and we will now see what have been the results of that law, and learn something from experience. If the public documents speak the truth, it has been the means of awakening cupidity, and has served to disguise and cover up the most disgusting frauds, perjuries, and peculations. This law, in its terms, provided for retrospective cases only, for cases where settlements and cultivation had been actually made, and was designed to secure to the poor man his home, not to invite new settlers, or to enlarge the domains of the rich. A pre-emption law, as it is styled, gives to the occupant the exclusive right to enter for himself, to become the purchaser of a given quantity of land, on which he has made his improvements, be its quality or value what it may, at a dollar and a quarter the acre, which is the lowest price at which public land is sold. The least quantity which the United States, in their singular liberality, proposed to let a pre-emptioner have was 160 acres, or one quarter of a section--the public lands being surveyed into sections or squares of 640 acres each.

This act of 1830, it was supposed, would apply only to the relief of a few cases of poor people, who had penetrated the public land, and commenced the process of clearing farms. But, sir, Mr. Brown, the late Commissioner of the Land Office, was required to state, at the last session of Congress, how much revenue had been diverted from the public Treasury by this act. His answer was, that he had no certain data by which to estimate it; but he adds:

"Considering the many tens of thousands of claims that have arisen under it, and the prevailing desire, in the mean while, to invest money in public land, the conclusion seems fair that the selected spots would have been sold for a price proportioned to their excellence, if no such law, nor any improper conspiracy, had existed. The estimate of three millions of dollars, which I had the honor to submit to you on the 28th of January last, appears to me now to underrate, much rather than to magnify, the difference between the receipts for pre-emption concessions and the sum the same lands would have brought into the Treasury."

Under this law, where two persons had made improvements on the same quarter section of land, it was decided, as they could not both have it, that one should have what is familiarly called a float--that is, a right to enter his quantity upon any of the surveyed and unsold public lands; thus giving to him a vast range, and an opportunity to select the most valuable spot.

The Commissioner, in speaking of the manner in which these floats were obtained, says:

"The virtuous and patriotic citizens of Louisiana have been disgusted and alarmed by the extent to which fraud and perjury are asserted to have been carried on in the manufacture of such claims within that interesting State, threatening to cover a large portion of the most valuable lands that have been surveyed." * *

"The law, as its title imports, is in favor of settlers. But pretensions have been set up by persons dwelling in town with their families, and there following mercantile pursuits, while they caused a little show of improvement, that scarce deserved the name, to be made for them by others; no proof being produced of their personal superintendence or direction on the spot. Cultivation by slaves or hirelings in 1833, and one or the other, or a growing crop on the place on the following 19th of June, have been assumed as fulfilling the required conditions."

"Among the pretences to cultivation, there have been disclosures as follows, viz: where the cutting and burning a small patch of cane; where an enclosure, not entitled to be called a fence, around a space only large enough for a small garden, and the planting a few culinary vegetables; and where scattering an undefined quantity of turnip seeds or grass seeds, and, in one case, planting a few turnips or onions, have been claimed as cultivation to meet this condition." Again:

"If the propriety were conceded of making the pre-emption policy a part of our land system, there would be still no evident fitness in extending the concession to a full quarter section of land. An allowance of half that quantity of the very best land is surely munificent, and, if presumed poverty be one of the considerations for the grant, it may be observed that many a good farm in the West contains no more than an eighth of a section." Again:

"The temptation to abuse the charity of the Legislature is so radically intermixed and so inextricably interwoven with the operation of the pre-emption laws, that I should despair of laying before you altogether effectual means for the prevention of fraud on the part of claimants. It seems to me a hopeless task to project any modification of existing enactments that shall silence perjury, and defeat the devices of sagacious speculators, so long as their ingenuity shall be sharpened and stimulated by the prospect of immense gain attending their success."

Such are the extraordinary and disgusting developments made by the officer who was last year at the head of the General Land Office, and whose means of intelligence cannot be questioned; and such is the effect of legislating the public domain into the hands of individuals. It offers such temptation to an easy acquisition of wealth, that it superinduces every species of fraud.

I will now ask attention to some parts of a statement made by the attorney of the United States for the western district of Louisiana in regard to these floats and pre-emption rights:

"I will here mention a construction of the law which was adopted by the officers at Opelousas, and most of the pre-emption floats have been admitted under that construction: Two persons living on a quarter section, or who pretend that they do, on lands not worth a cent an acre; men who can neither read nor write; men who have never seen a survey made, and know nothing about sections or quarter sections of land; and who, in point of fact, live five, ten, and, in many instances, twenty miles apart, go before a justice of the peace as ignorant as themselves, and swear to all the facts required by law to make their entry; this, too, in a section of country never surveyed by the authority of the Government, nor any competent officer thereof. Would it be believed that any officer of the Government would admit an entry under circumstances like these, upon the oaths alone of the parties interested in making them, and upon lands not surveyed, approved, and returned, by higher authority? Can it be possible that an entry of that kind can either be in conformity with law, justice, or right?

"I state, of my own knowledge, that many of these pre-emption floats are precisely in the situation above detailed. I am authorized to name Colonel Robert A. Crane, of Louisiana, who states, positively, he knows many of them to be founded upon the same corrupt perjury--persons swearing that they lived on the same quarter section, when, in truth and in fact, they never had lived so near each other as five miles. It is not believed that there are thirty honest pre-emption floats in the whole district of Louisiana; and yet, since the 1st of January, 1835, up to the 27th of May, they have passed at the land office at Opelousas at least 350. And who are the owners of these floats? Principally one, and not more than three speculators. Since the 1st of January of this year, up to the 27th of May, day after day, week after week, I might say months after months, a notorious speculator (and who must have been known as such to the officers of the land office at Opelousas) was seen occupying that office, to the almost total exclusion of every body else. No other person appeared to understand how to get pre-emption floats through, and no one did succeed until an event which will be stated below. He could be seen followed to and from the land office by crowds of free negroes, Indians, and Spaniards, and the very lowest dregs of society in the counties of Opelousas and Rapides, with their affidavits already prepared by himself, and sworn to by them before some justice of the peace in some remote part of the county. These claims, to an immense extent, are presented and allowed. And upon what evidence? Simply upon the evidence of the parties themselves who desire to make the entry! And would it be believed that the lands where these quarter sections purported to be located, from the affidavit of the applicants, had never been surveyed by the Government nor any competent officer thereof, nor approved, nor returned surveyed? I further state that there was not even a private survey made. These facts I know. I have been in the office when the entries were made, and have examined the evidence, which was precisely what I have stated above."

Such has been the result of the experiment of the law of 1830, made for the benefit of a few poor settlers. It has swept away more than three millions of dollars from the public chest, and introduced a system which corrupts and demoralizes the citizens, to an extent surpassing belief. It comes to us fraught with all the evils prophesied of it, and has already invited hordes to seize upon the public property, indulging the hope that new laws of this description will be passed. Indeed, they come boldly to our doors and demand them. This city is now filled with greedy claimants; not your poor and helpless individuals, who have raised a log cabin over their heads in some nook of public property, but men who enter the fashionable walks of life and boast of their fortunes.

And yet this law of 1830 was guarded and protected by oaths and required proofs. The settlement and the cultivation must be proved under oath, and to have occurred before 1829, to entitle the claimant to the benefit of the act. But, sir, what is cultivation? Any act upon the soil; raising a handful of vegetables of a few weeks' growth; sowing a little grass seed, which is up in a few days. What is occupancy? Feeding a horse upon the soil has been claimed as such. And such miserable frauds, aided by the perjury of hired and interested witnesses, have been employed, with the connivance of public officers, under a benevolent act, to steal the most valuable parts of the public land. Such has been our sad and appalling experience under the law of 1830.

Now, sir, what is the character of the bill on your table? A thousand-fold worse than the act of 1830. It is a pre-emption, for the exclusive benefit of the States in which the public lands lie. A monopoly in their hands; an appropriation of the public lands to their use, to the exclusion of all others; a gift of this vast treasure to the citizens of those States. And can I vote for such a profligate disposition of public property? How can I meet my constituents and justify such an act? You have hardly the modesty to disguise this bill, by holding it up as a measure for the benefit of the poor; but gentlemen stand boldly forth, and contend that every man's farm should be made up to at least 1,280 acres out of the public land. Ay, more: that he shall have the right to select from no less than twenty-one sections of 640 acres each, the best parts and portions, to make up his comple-

ment, at a dollar and a quarter the acre. And more: you do not confine him to lands surveyed, but permit him to range in regions never yet exposed to sale, and to select the richest gifts of nature. Nor is your bill confined to retrospective action, but whoever will may go and seize the public domain. And what do you require of him? Oaths and proofs of occupancy and cultivation; such, substantially, as were required by the act of 1830; provisions just as easily evaded. And titles were manufactured under that act in vast numbers, by the oaths of perjured witnesses and the certificates of false magistrates. If you were robbed of three millions of dollars under that act, what may you not expect by thus opening the flood-gates to the cupidity of the greedy and avaricious?

We have, I know, heard much fulsome panegyric lavished upon the hardy pioneers, as they are styled; much of their sufferings, and much of their perils and bravery. But, sir, who invites them to these sufferings? Who asks them to seize the public land? For whose benefit is it? The laws of the United States forbid their entry upon it, they restrain by heavy penalties all intrusion, they declare all such persons to be trespassers and liable to indictment. These intruders are, therefore, disturbers of the public peace, and by interfering with the Indians they provoke hostilities, and create the very wars in which they affirm they have suffered, and then claim our compassion. It is my firm belief that if these disturbers were kept within lawful bounds, we should have no hostilities with the Indians.

But, sir, if fighting is meritorious, have we no fighting men to be provided for? Are those who achieved our independence forgotten? Do Bunker Hill, and Lexington, and Sarotaga, sink into forgetfulness before the exploits with Black Hawk and Oceola? We have heard much, too, of the poor settler; and that there are some of this class on the public land is doubtless true. If they, and they alone, can be provided for by being quieted in their possessions, they shall have my vote. Show me a bill for them, which will bar frauds and speculation, and it shall have my most hearty support. But what sort of a bill is this for poor men, which proposes to let each person who may choose to take up for himself or to annex to his estate 1,280 acres of the most choice spots of the public land? Cannot something short of an estate equal to that of a nobleman satisfy the poor? The poor, sir, are used as the stalking-horse to disguise the measure; its features are, however, too apparent to mislead any one. But if the poor are to be provided for, then I claim that all are alike entitled. I regret it, but we have many poor, too poor even to be able to make the long journey to your public land. They are meritorious, and they suffer all the privations incident to their unfortunate condition, and I claim for them a share of the public bounty, if the public property is to be distributed. There is a great class of widows and orphans, aged and infirm, whose condition makes a strong appeal to your humanity. Let your bounty reach them, and gladden their sorrowful hearts, instead of adding to the boundless acres of the rich planters.

We have been told that great numbers of respectable people have emigrated, and settled upon the public lands, in the expectation that a pre-emption law would pass for their benefit. The Senator from New Hampshire [Mr. HUBBARD] says that he knows of a great number, and that a large majority of the Territorial Council of Wisconsin are squatters. I doubt not it is true, and that they have left their poor neighbors behind them in New Hampshire. They are doubtless men of comfortable means; and why do they go to Wisconsin to settle upon public lands which have neither been surveyed nor brought into the market, when there are millions on millions of acres which have been surveyed this side of that Territory, which are of superior quality for agricultural purposes, and which they might lawfully enter and own at a dollar and a quarter? This boundless region does not satisfy the ambition of these poor men who are seeking a home. They pass by all this, as unworthy of their notice, and light upon regions where they may have the first choice, and not wait to get rich by the slow process of ordinary accumulation. These are the poor men knocking at our doors for pre-emption rights.

But this is not all. We have proofs here that they are banded and associated together to resist the laws of the United States, and to maintain their claims against all opposition. They have constitutions, as they term them; and for what? To stand together and maintain their possessions. To set at defiance the title of the United States to their own property. To make war upon all persons who shall dare to bid for these lands at the sales made by the United States, and by such high-handed violence to secure to themselves great tracts of country, the most valuable portions of the public domain, at the paltry sum of a dollar and a quarter the acre, though it is well known that purchasers stand ready in many instances to give a hundred-fold more. Many of these settlers, it is said, are banded with the speculators by an agreement to divide the booty; and when the rights are thus once secured in a place, like birds of prey, they rise up and light upon some other favored region, to convert it to private property by the same process of lawless violence.

I was informed by a gentleman, last winter, who lived at the Grand Rapids, in Michigan, among the Ottawa Indians, that the south bank of the rapids was owned by a squatter, who had obtained a section of 640 acres, at a dollar and a quarter the acre, and that it is worth, at this moment, without any important improvements, half a million of dollars. I could not easily credit the word of a man of the strictest veracity, until I saw, by the treaty made with these Indians, and ratified here at the last session, that a section on the other bank was estimated to be worth a much greater sum. This is not an isolated case of the accumulation of vast wealth by the erection of a bark cabin and the planting of a few peppers or tomatoes. The end, aim, and purpose, of the great body of pre-emptioners is to make themselves rich out of the public property. It is, in a word, to defraud the United States in the manner described in the documents from which I have read.

I have recently conversed with a distinguished member of the other House, from the West, who passed through Wisconsin during the last summer, and he informs me that the path leading through the public lands was, for a large portion of the way, skirted by a furrow or two of the plough, which turned off at intervals, and entered the prairies or the openings. On inquiry, he found that this was the proof of occupancy and possession. Those who had done this considered themselves as having established pre-emption rights to all enclosed by the furrows. Some went round a thousand, some more, and some less, acres, and some marked out, in this way, many lots. Almost all the choice land had been thus seized, in anticipation of the passage of this or some pre-emption act. He added, that when one crossed the furrow of another, this was called jumping, and then a fight with deadly weapons ensued.

I have seen also a letter, giving an account of a treaty made in Wisconsin the last summer with the Iowas, who lived on the Iowa river, west of the Mississippi. The lands upon this stream are represented to be of extraordinary fertility; and, after the general terms of the treaty were agreed upon, the commissioners proposed that a stipulation for a speedy removal of the Indians and a surrender of the territory should be inserted. When this proposition was interpreted to the Indians, the wri-

ter, who was present, declares there was among them a general laugh, which was viewed as a singular comment upon a grave proposition, and an explanation was requested. They instantly replied that the proposition for such an article was absurd, and wholly unnecessary, as they had no possession. They affirmed, what was ascertained to be true, that before they assembled to make the treaty, the pre-emptioners had begun to run their ploughs round the land; and no sooner had their agreement to negotiate been made public, than the whites began to take possession of their cabins, and they did not doubt they were now occupying every one of them. The author of this letter is a gentleman, well known as a respectable citizen of the United States.

I have now said enough to show what is the general character of pre-emption rights—that they fill the minds of sharpers with golden dreams, and that the poor are the last class of people who are to be benefited by them.

If this bill passes, the public lands are gone, irreclaimably gone; for such will be the rush upon them, and such the reliance upon future legislation of this character, that this Government can never reassert its authority. I have heard that the number of persons waiting on the public domain for this law may be estimated at 50,000; whether it be more or less is not material, for it is known to be great. When we hear that the Government itself of Wisconsin is of this class, we can have little doubt of the character of the population. Now, sir, I again ask, what necessity is there for such a partial, unjust measure? Why should we in this manner waste the public treasure, and corrupt the morals of the citizens? Why should we do injustice to the whole country, by lowering the value of real estate? Are not the landholders, the farmers of the old States, to be regarded? You cannot change the price of the public lands without its being felt by a correspondent change in the value of real estate from Maine to the farthest West. It seems to be thought here that the farmers of the old States have no right to open their mouths, if you legislate away half the value of their estates, which have been acquired by long, patient, and laborious industry. They may be left to take care of themselves, or to abandon their homes, and scramble for a share of the public property; for they seem to attract little of the sympathy that is so liberally extended to those who grasp at the alluring booty. Are not the rights of the farmers of the older portions of the new States to be regarded? They have bought and paid for their lands to the United States. Can it be just to them to give away adjoining lots? You indirectly acknowledge that it would not; for you bribe such persons, by allowing them to enlarge their farms to very extraordinary dimensions. But why are we urged to pass a law thus full of injustice?

The great and leading argument is, that the Treasury is too full of money, and it is better to annihilate a source of vast revenue, than to possess the money. Better to throw away public property than to keep it! Better to give it to a few, than that the great whole should have the benefit of it! Sir, you may talk of the poor; of the necessity of settling the public lands; of the gallantry of the pioneers; of their sufferings, their respectability, and whatever else the human mind may invent in its proneness to fiction; but you can never reconcile the people to such an argument. You can never satisfy them that it is better to waste the public treasure than to apply it to public uses; that it is better and more just to pamper a few with it, than to let the whole feel the blessings which a Government may secure by an administration for the benefit of all.

If there should be a surplus of revenue, (which the Secretary of the Treasury denies, and which the committee that report this bill deny, for they have recommended the rejection of the bill to renew the deposite with the States,) why should it not follow the surplus of last year? Is not this better than to cast it into the sea?

But there is still a wiser and a better measure—one that at all times has strongly recommended itself to the consideration of the country: I mean the bill which has repeatedly passed both Houses by a large majority, and has met with an insurmountable obstacle in the veto of the Executive—the land bill. This act provided for the distribution of the avails of the sales of the public lands among the States, upon just and equitable principles, to aid them in their great cause of education and internal improvements. It was in conformity with the terms of the cession of those lands; for they were given to the States, and not to the United States.

And, sir, if this salutary measure had been adopted, what signal blessings would it have conferred upon the States? Who does not see that it was every where needed, and that the hearts of the people would have been gladdened in all the country, by such a just distribution of a treasure acquired by the common blood and sacrifices of the American people? A more munificent, wise, and just act, was never devised within these chambers. This money would have been applied by the States to lighten the burdens and to increase the happiness of the people. I know of nothing in which the poor are more emphatically blessed than in enlarged means of education, or in which the whole people are more clearly benefited than in the extension of internal improvements, which bring the products of labor by cheap and easy means to the markets of the country.

Such was the general design of this beneficent act; and while I lament that any causes should have arrested its progress, I do not despair of yet seeing a returning sense and more just regard to public rights in this matter.

Can any one for a moment hesitate between the land bill and the act before us? They both relate to the public property: the one proposes to dispose of it for the public and general good; the other to advance the interests of a few clamorous individuals, most of whom are greedy speculators; the one to enlighten the public mind and to promote the public convenience, the other to create an odious monopoly in the hands of a few, while the great public is excluded from all participation in its own property; the one to ease the Treasury of its burdens, by returning to the people what is their own, the other to build up a class of favored individuals at the expense of the people. The one creates a sectional, undisguised monopoly, not of privileges alone, but by taking what belongs to us of the old States, as well as to those of the new, and giving it to others. Can there, ought there to be a moment's hesitation in choosing between these measures? If the Treasury is too full, (which your Secretary in his report and estimates denies,) shall the people have their own, or shall a favored few be pampered with it?

Have we reached a crisis which demands the absolute sacrifice of the public lands? What would be thought of an individual so profligate as to commit his property to destruction? It would be deemed a sin so gross as to provoke the displeasure of Heaven. And we need not be surprised if we soon reach a period when the people will look back with incredulity upon this era, in which we are puzzling ourselves to devise ways to get rid of the revenue. They will be amazed that so little wisdom existed here as not to apply any surplus that possibly can exist to great and useful purposes; but, above all, they will credit no man with sincerity who argues that it is necessary to sacrifice the public property; for you cannot persuade men that their condition is above amendment; that they need nothing more; that public money cannot yet be expended so as to promote their happiness.

But if, from political prejudice or any other cause, the land bill is objectionable, still we may easily reduce

the revenue without throwing the public property overboard. Why not limit or stop the sales of the public lands? Why not offer a limited portion of those which have been surveyed, instead of exciting the cupidity of the greedy, by offering a choice of the whole domain? There surely can be no difficulty in reducing the revenue from public land, if it is necessary. Small financial talent can bring that about, and leave the public property to meet future emergencies. The Treasury can never be so plethoric as to require blood-letting.

But another matter has been pressed with extraordinary zeal, and, I fear, more for effect than any other purpose.

This chamber has literally resounded, ever since the opening of the session, with denunciations of speculators in lands. The pre-emption law of 1830, I have shown, disguised and gave effect to the most disgusting, injurious frauds among speculators that have ever been perpetrated, and this bill opens a passage a thousand times wider and safer for the workers of iniquity. I have, therefore, been greatly surprised that those who denounce speculators should be found among the advocates of this measure. Let those who have defrauded the poor Indians, and through them plundered the United States, answer for their gross misconduct. No denunciations for them can be too heavy, no punishment too severe.

But what have those persons done who, for the most part, have purchased the public lands, and paid this troublesome revenue into the Treasury? Just what the United States have invited them to do. We have a law of long standing, which requires, after the public lands have been surveyed, that they shall first be offered at public auction, and those which will sell at more than a dollar and a quarter shall be thus disposed of. It further provides that, whatever remains of the quantity thus offered, any person may enter in any quantity not less than one eighth of a section, and become the owner by paying the price into the land office of the district where the land lies. All persons are alike invited, both to attend the sales and to make entries of what remains. The great body of the public lands have been sold under the provisions of this law, and the purchasers have done precisely what we have invited them by law to do, and precisely what all honest purchasers before them have done. You offered your land on your own terms, and they have paid all you demanded. This is the extent of their offence; and does it become us, while that law stands on the statute books, and while the public offices are kept open under public authority from Congress, to stigmatize those who give us just what we ask—who deal openly, fairly, and honestly? If you have too many purchasers, if the land is too rapidly taken up, then alter your law; change your terms, instead of denouncing the purchasers. You can make terms that will put a stop to the sales. It ill becomes us to spend our breath in scolding about those who have done nothing but comply with our terms, nothing but to conform to the laws made here.

It is further urged that the public lands have excited a disposition to speculation and trade which ought to be suppressed, because it is injurious to the country. That an extraordinary spirit of trade and speculation is abroad admits of no doubt; and that its ends will not contribute to the general prosperity is perhaps equally certain; but I cannot agree that the public lands have been the exciting cause. Nothing seems to me more unfounded.

The origin of this state of things may be found in the attempts of the Executive to regulate the currency of the country. These attempts, all agree now, have been futile and positively injurious; and so will all attempts to regulate speculation prove. Every one thinks he can clearly see proofs of over-trading in others; but there are few, I believe, who do not entertain the opinion that their own affairs are judiciously conducted. They need no regulation themselves; indeed, they are willing to submit to none; for that is a matter that belongs exclusively to their private judgment; but their neighbors may with propriety be regulated. The Executive may put his hand upon them, because they buy or sell a little too much. It is a kind of indefinable public injury, which may be corrected by the interference of executive power; and there is no harm in applying a regulator to the judgment of others. To ourselves it is not necessary, as our opinions are as good as the King's. But I said speculation did not find its origin in the public lands, but in the removal of the deposites. That extraordinary measure gave the death-blow to the Bank of the United States, and established the belief that such a bank hereafter was to be dispensed with. What a host of banks have risen upon its ruins! What a sea of paper has inundated the country, under pretence of suppressing bank notes! In 1830, the bank capital in the United States was estimated at $145,192,268; and it is now believed to be little, if any, short of $400,000,000. Banks have been every where created, with an amount of capital that would have startled the public mind before this war began. Where is the boasted hard-money currency? Who sees it? Who feels it? It jingles in the press, and nowhere else. But what has been the effect of this remarkable creation of banks? It has every where greatly added to the amount of circulation. The very evil complained of exists in a vastly more efficient and all-pervading character. Wherever new banks have been created, there hopes have been excited that money could be reached, and there these hopes have begot the spirit of speculation. A new batch of bills was to be thrown out, and those who would add to their mass of wealth, and those who would mend broken fortunes, or amass riches by sudden acquisitions, seized these opportunities to lay hold of the means. The success of one has stimulated another, until the contagion has spread, with the spread of banks, over the land. This system, I fear, has grown to be an alarming evil; and whenever distress and suffering shall overtake us, as it bids fair to do speedily, then will the eyes of the public be turned to this place for relief, and the just power of the States, instead of being respected, will be trampled under foot. Pennsylvania, democratic Pennsylvania, has already appealed to this power to rid her of her State banks.

Let not the public lands be charged with exciting this gambling spirit. The only reason why you sell the public lands is, because they are supposed to be cheap; and if you think them so, it is easy to ask more. Let the currency alone; place your surplus money with the States, instead of piling it up in your pet banks, so that it rises above their capital, and the people will soon learn how to do business, and you will find little cause to complain of speculation; but so long as you undertake to regulate it, and fit that regulation to suit the fortunes and wishes of favored capitalists, so long you will hear complaints, and just complaints, of the partial and oppressive action of this Government.

But with what force can those who censure speculation advocate this bill? It proposes to legalize the most stupendous speculations that the country has ever witnessed. If we cannot extricate ourselves from the petty law of 1830, if that has enlisted an army of 50,000 men to band themselves together to insist on pre-emption rights against all law and all color of right, what number do you think this bill will array upon the frontiers? I tell you, sir, that the whole power of the United States will exert itself in vain against the current. Your public domain will be lost; instead of three millions, your bill will take from you three hundred millions. The temptation is such as never addressed itself to cupidity; and the speculators, those who can run furrows and hire

the strongest force to make violence and to resist violence, will be the chief participators in the plunder. He who can raise the strongest clan, and flourish the most knives, will acquire the greatest possessions.

The bill also invites and protects fraud; for you authorize a person to enter upon his two sections, to make his cultivation, and to hold the land, but he is to have no title for five years. Whoever, therefore, chooses to defraud his creditors, may salt his money down in these lands, and it will be beyond the reach of the law; for the title will be in the United States, while the actual possession and full enjoyment will be in the pre-emptioner. This will be one of the most convenient modes ever devised of abstracting property from the reach of creditors.

But there is another reason more extraordinary than any to which I have hitherto adverted. I commend the frankness of the Senator from Missouri [Mr. BENTON] when he says earnestly, and too emphatically to be misunderstood, it is time the federal title to the public lands was extinguished; the time is coming when we will have them. These are plain declarations—"we will have them." The old States, then, are to have no part or lot in the public lands. The children hold themselves justified in seizing the estate, in robbing the ancestor while alive; and those who propose this complain of all who buy land at the legal price as greedy speculators; as men preying upon the public prosperity, and enriching themselves at the expense of the settlers. This can only mean that what goes into the public Treasury is grudged to it. It is time for the public to rouse up and look to this usurpation, if there is such a determination abroad. It is time for the old States to awake from their repose, and see that their inheritance is not sold for a mess of pottage. These public lands afford a most alluring temptation to those who seek for popular favor, and the old States may rest assured that they will constitute a political capital to trade upon, and he who will offer them upon the most favorable terms will hope for most popular favor in the West. The halls of Congress have long furnished ample proof of this. Sir, I hope the time has not come when the people are to be purchased by largesses; when, in imitation of the corrupt days of Rome, favor is to be gained by a distribution of corn or money. Yet, from the signs here, I have long feared the approach of evil. I hope, sir, the people place a higher value upon public liberty; that they will consent to be the followers of no one who does not, by his conduct as well as sentiments, show his respect and regard for the institutions achieved and established by the Revolution of independence. Men that can be bought and sold by petty hopes of pecuniary advantage are unworthy of the great public blessings they inherit.

The Senator from Missouri, I agree, understands the sentiments of his part of the country better than I do, for he has long been a sagacious observer of public opinion. It is enough for me that he declares the purpose exists to assert title to the lands in the new States. It is enough for all who value their property to look to it with vigilance, when one of his standing and influence declares that the federal title shall be extinguished. The new States, I trust, are more wise, just, and patriotic, than the suggestion would imply.

I have, sir, (said Mr. D.,) glanced at some of the important matters connected with this measure, and I cannot view it in any aspect in which it presents itself, that is not pregnant with vicious consequences; and, though I fear it will be unavailing, I earnestly hope the bill may be rejected.

Mr. TIPTON said he had hoped that the bill would have been brought back from the committee in some shape in which he could cheerfully give his vote in its favor; and although there was now only one feature of it which recommended it to him, (that of pre-emption,) he should still vote for it. Though the bill would, on the whole, be of little benefit to Indians, yet some there would be eminently benefited by the revival of the pre-emption law. Every Senator must see that this was a great national object.

Mr. T. regretted extremely that a bill with such provisions as this did not limit the sales of the public lands at all. For five years past, the Senate and the country had been much agitated in relation to the public lands. In regard to them, three measures had been presented. The first was Mr. CLAY's land bill, to which, if it were possible to pass it in connexion with the pre-emption principle, he would give his support. The second measure was the one proposed by Mr. CALHOUN, to cede the public lands to the new States on certain conditions, which would relieve those States from an undue subjection to the Federal Government, give them the power to tax the lands, and enable them to advance more rapidly in improvement and prosperity. Mr. T. did not believe, with Mr. HUBBARD, that the time had not arrived for this measure. The proper time, he thought, had arrived, and he wished the bill might have a report made upon it by a committee, and go abroad to the country. The third measure was this bill, to which Mr. T. especially objected, because it was limited to three years. He hoped, therefore, that the new States would be put in possession of the public lands.

Mr. EWING spoke in decided opposition to it, on constitutional among other considerations.

Mr. CLAY said it had been his wish and intention, in the progress of this bill, to express his sentiments at large upon it; and he would now do so, but he did not wish to inflict on the Senate a long speech. He would say but a few words.

He had not purchased, he said, either directly or indirectly one acre of land for twenty years past, with the exception of a quarter section to complete a grazing farm in Illinois; and in saying this he did not imply a reproach against purchasers of the public lands. If individuals evaded the law, or made use of official power in such purchases, to these he objected, but not to the general purchaser.

Mr. C. recollected three different epochs at which speculation had raged. The first was from 1792 to 1796, when it raged throughout the country. Among these speculators were Morris, and Nicholson, and others, merchants of Virginia. Beautiful maps were made out, dry lands were turned into meadows, barrens into fruitful fields, and streams were found where they were never found before. That speculation was disastrous to all concerned. In 1816, after the late war, it had raged again. Land was bought in Alabama at from $40 to $70 per acre. This general speculation was also most disastrous, and many of the speculators had got relief from the Government, by a reduction of 36 per cent. on their purchases. Most of the speculators suffered. Again the spirit arose a year or two ago; and Mr. C. doubted not that the crisis of the disease was already past, and if it were let alone it would remedy itself. Very many purchasers would be great sufferers, as in 1796 and 1818–'19. The evil required no physician to arrest its progress, and it was best to leave it where it was.

This bill, Mr. C. said, had been founded on two ideas: first to reduce the revenue, and then to suppress speculation. If Mr. C's views were correct, speculation would go down of itself, so low even that it would be necessary to stimulate it, and the revenue would fall to the ordinary wants of the Government. There would not again be a surplus to require legislation. But even if the public lands should nett twenty or twenty-five millions of dollars annually, was this bill the proper remedy? Some gentlemen would say the object would be attained by in-

creasing the price of the land, and thereby reducing the sales; another would keep the lands out of the market. Another remedy would be the bill which Mr. C. had had the honor of proposing so often, and which had met the sanction of this body. By adopting this, Congress would execute the great trust reposed in them, and the States would be more benefited by it than by the present bill. Mr. C. could not see how gentlemen could give their assent to this bill, if they saw the constitutional objections as he did. What power had Congress thus to dispose of the public lands? This bill supposed that Government had some power over the land, beyond and after its disposition. It seemed to Mr. C. that when they had sold the land their power was exhausted.

But again: what right had Congress to legislate on the law of contracts within the bosom of the States? What relation did they bear to the land within the States? Nothing more nor less than that of a proprietor, which drew after it no legislative powers whatever. The property was secured in the new States by compact, so as to be exempt from taxation by the States; but when these States were erected, they had otherwise the same power over it as the old States. The legislative power of Congress over the territory ceased to exist, and they had no power to declare what contracts should be valid or not valid.

But again: the constitution of the United States declared that the judicial power created by this Government should be vested in a Supreme Court of the United States and such inferior courts as Congress should establish. But by this bill was not this power vested in the registers and receivers of the public lands? They were to examine evidence and decide on the rights of property. And, further, between two pre-emptioners they were to decide without appeal, without trial by jury, without revisal. Mr. C. would agree that a copy of this provision was to be found in another act of Congress; but it was an act granting military bounties in consequence of the war with Great Britain. And the tracts granted by these laws were all in the Territories, over which Congress held the power to legislate.

Again, Mr. C. said, this law provided that a man who lived in the new States, and owned a tract of land, should have privileges which were denied to citizens in the other States. That was, they might hold pre-emption to other tracts of land, to the entire quantity of two sections allowed by the bill. What right had Congress to create this inequality? What right had they to give one who owned a farm in the new States privileges which were not given to one who owned a farm in the old States?

Again: this bill professed to be a settlement law to people in the new States. Where had Congress the authority to act on this principle. The States had the power, but had Congress any such power? Mr. C. called especially on the State rights men to vindicate the bill from these charges which he brought against it.

Mr. C. saw insuperable objections to the bill, on the ground of affidavits. Each settler might enter eighteen different tracts, each of which would require three affidavits, making fifty-four for each settler. All these were to be filed by the registers and receivers, and examined by the Commissioner of the General Land Office. Could any estimate be made of the aggregate number? Here would be millions on millions of affidavits, so that algebra itself could hardly reach the amount. The bill, also, was founded on an inference of the security of affidavits. But who would examine them? Nothing would be more unpopular than to scrutinize an affidavit; and they would therefore amount to no security.

And then, as to speculators, nothing had surprised Mr. C. so much as to hear the chairman of the Land Committee contend that a direct effect of the law would be to benefit speculators; and that it would be a great security to the free sales. To have much land in the market, and the terms easy, secured against speculation! How could the speculator, then, enter into competition with the United States? In proportion to the quantity of the article, so would be the lowness of price. But if the United States withdrew the lands, or placed restrictions on the sales, the lands which could be without all this would sell more readily. Security against speculation consisted in the quantity of land in the market, and in exemption from restriction. Mr. C. declared that if he had speculated, he would hail the passage of this law as one which would secure to him a fortune.

Then, as to the pre-emption clause; it was not correct that pre-emption was the subject of early legislation. There was a law passed in 1807, which was in force till the admission of Louisiana into the Union, the 14th section of which provided, that if any person should make a settlement on the lands of the United States, within the limits of Louisiana, he should be subject to a fine not exceeding $1,000, or to imprisonment not exceeding twelve months; and such persons were liable to removal by the military force of the United States. Till within a few years, Mr. C. said, the laws on this subject were rigorous enough, Congress designing to take care of the property for the benefit of the whole Union. It was only within five or six years that pre-emption laws were passed at all, except under peculiar circumstances. But if this bill should pass, Mr. C. said he would not give a pinch of snuff for its limitation to December 1, 1836. Pass this now, and another and another would follow, however firmly the impression might now be made that this was the end of pre-emption forever. It would still go on, and settlers in hordes would take possession of the public land; and they would come here with all the power they could exert, to procure the passage of pre-emption laws. Pass it, and such laws would be as regular as the general appropriation bill.

But it was asked, why refuse pre-emptions? Only a few dollars more, it was said, than the minimum price was on the average obtained at the free sales. But Mr. C. said this lowness of price was itself owing to pre-emption. But if it were not so, was it not fair that there should be no other than free sales? No one had a just right to complain. But when motives were offered, as by this bill, to go and seize the public lands, the necessary effect was dissatisfaction. Members here represented the whole, pre-emptioners and others; but those who came here felt that they must take care of pre-emptioners, since one good turn deserves another, pre-emptioners having helped them to office. Mr. C. would not reproach them; their motives were such as were powerful in our nature, and they were not at liberty to disregard them. But they should recollect that not all their constituents were pre-emptioners.

Mr. C. believed, therefore, that when this beginning should reach the Rocky Mountains, every security to the public land would be gone. A few years ago such grants were only made in forty-acre tracts, and even then only for the sake of completing a farm; but this bill would sweep off all restrictions.

The bill thus extended the power to purchase, withdrew the exemption from taxation for five years after sale; and by pre-emption it would sweep over the whole country. The Senate were told to do thus now; but in a few years there would be more Senators from new States, and they would then use their power to appropriate to themselves the entire public domain of the country.

It was with the deepest regret that Mr. C. had witnessed these proceedings. It was the duty of Congress to vindicate the property of the entire Union, from supporting a bill by which, in a few years, the public domain would be unknown to the legislation of Congress. Mr. C. hoped the bill would be arrested here or some-

where else, and that the land system would remain unchanged and unaffected. One great advantage of the system had been the security of titles. Would they not be put in jeopardy by this bill, and would it not renew the afflictive scenes which Mr. C. had witnessed in his own State? And it would drive the best of our citizens to find refuge in the new country.

The Secretary of the Treasury was required to mark those lands which were reserved; but supposing he should not do so, he incurred no penalty. Here, again, there was danger and an increase of risk, instead of security. In these remarks, Mr. C. said, he had acted under a profound sense of public duty.

The question being at length obtained, the bill was passed, by yeas and nays, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Strange, Tallmadge, Tipton, Walker, Wright—27.

NAYS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, McKean, Morris, Prentiss, Robbins, Ruggles, Sevier, Southard, Spence, Swift, Tomlinson, Wall, Webster, White—23.

The title was amended by adding the words, "and for other purposes."

The Senate then adjourned.

FRIDAY, FEBRUARY 10.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. SWIFT said that either the journal of yesterday's proceedings, as read by the Secretary, was incorrect, or several Senators had voted under a misapprehension of the question on the petition presented by him yesterday in relation to slavery and the slave trade in the District.

Mr. CLAYTON stated that he had understood the question to be on the motion of Mr. SWIFT to refer that portion of the petition which related to the regulation of the slave trade in the District (over which subject he thought Congress had power) to the Committee for the District; and he had therefore voted in the affirmative, because he regarded that trade as an infamous and inhuman traffic, which ought to be abolished.

The CHAIR said the journal was correct; and that, objection having been made to the petition, the question was simply and exclusively on its reception.

Mr. CLAYTON's vote, by unanimous consent, was then altered from the affirmative to the negative.

STEAM BOILER BILL.

On motion of Mr. DAVIS, the bill authorizing the appointment of a commission of three persons to make experiments on inventions to prevent the explosion of steam boilers, was considered; the blanks filled by appropriating $6,000 for the expense of the experiments, and $300 each for the pay of the commissioners. Amended, on motion of Mr. HENDRICKS, by appropriating $5,000 additional for the trial of the "double self-acting safety valve," on the Western waters; and, together with the amendments, ordered to a third reading.

ELECTION OF PRESIDENT.

Mr. GRUNDY, from the joint committee appointed to wait on the Hon. MARTIN VAN BUREN, and inform him that he has been elected President of the United States, reported that they had performed the duty assigned to them, and had received for answer that he desired to express the grateful sense that he entertained of the distinguished honor which his fellow-citizens had conferred on him; and requested them to assure their respective Houses that they might rely on his unceasing endeavors to execute the responsible trust which devolved on him, in a manner most conducive to the public interest.

TREASURY CIRCULAR.

After morning business had been disposed of, the Senate proceeded to the consideration of the bill to designate and limit the kinds of funds receivable for the public revenue.

Mr. HUBBARD moved an amendment to the bill, requiring the registers and receivers to receive the same scrip in payment for the public lands as heretofore.

Mr. CLAY remarked that the bill in its present form left the Treasury order unrescinded, the subject of that order being still wholly in the discretion of the Secretary of the Treasury. He had an amendment therefore to offer, which, if accepted by Mr. HUBBARD as a part of his, and adopted by the Senate, would reconcile him to the bill. This amendment declared that it was not lawful for the Secretary of the Treasury to make any discrimination in the funds so receivable as public revenue.

Mr. HUBBARD accepted this addition to his amendment; which amendment, so amended, was adopted by unanimous consent.

Mr. EWING called for the yeas and nays on the passage of the bill; which were ordered.

Mr. BENTON gave extracts from a letter which he had lately received from Missouri, stating that all parties there were now in favor of the Treasury order, which he accompanied with some remarks; and afterwards spoke for some time in favor of specie and against paper money and the Bank of the United States.

Mr. BLACK said that in Mississippi all parties were now united in condemnation of the Treasury order; and he had just learned, by a respectable gazette, that resolutions condemning that order had just been introduced into the Legislature of Mississippi, and had received the unanimous vote of the House of Representatives in their favor.

Mr. EWING remarked that the bill, as now amended, was nearly all he desired. He would therefore now give it his hearty concurrence.

Messrs. NILES, BENTON, and WALKER, participated for a while in a general financial discussion, having an especial reference to banks, paper money, and the Treasury order.

Mr. CALHOUN said he had been very anxious to express his opinions somewhat at large upon this subject. He put no faith in this measure to arrest the downward course of the country. He believed the state of the currency was almost incurably bad, so that it was very doubtful whether the highest skill and wisdom could restore it to soundness; and it was destined, at no distant time, to undergo an entire revolution. An explosion he considered inevitable, and so much the greater, the longer it should be delayed. Mr. C. would have been glad to go over the whole subject; but as he was now unprepared to assign his reasons for the vote which he might give, he was unwilling to vote at all.

The bill was then passed, by the following vote:

YEAS—Messrs. Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, McKean, Moore, Nicholas, Niles, Norvell, Page, Parker, Prentiss, Preston, Rives, Robbins, Robinson, Sevier, Southard, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster, White—41.

NAYS—Messrs. Benton, Linn, Morris, Ruggles, Wright—5.

On motion of Mr. WHITE, the Senate held an executive session.

When the doors were opened, the Senate proceeded to the consideration of the bill to amend the

JUDICIARY SYSTEM OF THE UNITED STATES.

An amendment reported from the committee, altering the order of the several circuits, was adopted.

Mr. GRUNDY offered several amendments, one of which made the districts of Ohio, Indiana, Illinois, and Michigan, the seventh circuit, and others made the number of terms in the new States and Territories one instead of two in a year.

At the request of Mr. GRUNDY, who wished for further time to incorporate his amendments with the bill, having failed in a motion to reconsider the vote on the committee's amendment, with which his were designed to be connected, the action on the bill was suspended by unanimous consent.

FORTIFICATIONS.

The bill making appropriations for fortifications, &c. for the year 1837, coming up in its order,

Mr. CALHOUN moved to lay it on the table.

Mr. BENTON called for the yeas and nays on this motion; which were ordered, and the motion negatived: Ayes 8, noes 20.

Mr. BENTON remarked that the bill was precisely the same which had passed the Senate at the last session.

Mr. SOUTHARD remarked on the great importance of the bill, and wished that action upon it might not be hasty.

Mr. CALHOUN, also remarking on the impropriety of haste on such a measure, moved to lay the bill on the table till to-morrow.

Mr. EWING, of Ohio, moved an adjournment; which was negatived: Yeas 12, nays 21.

Mr. CALHOUN said that this bill was so unexpected, and the hour so late, that he should decline making the observations which he intended to make, unless further time should be allowed. He modified his motion, so as simply to lay the bill on the table; which motion was negatived, by yeas and nays, on the call of Mr. BENTON, as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Ewing of Ohio, King of Georgia, Moore, Prentiss, Robinson, Southard, Swift, White—13.

NAYS—Messrs. Bayard, Benton, Buchanan, Dana, Davis, Ewing of Illinois, Fulton, Grundy, Hubbard, Kent, King of Alabama, Linn, Nicholas, Niles, Norvell, Page, Parker, Sevier, Tallmadge, Tipton, Walker, Wall, Wright—23.

The bill was then reported to the Senate, and ordered to a third reading, without a division.

The Senate then adjourned.

SATURDAY, FEBRUARY 11.

Mr. GRUNDY, from the joint committee appointed to wait on the honorable RICHARD M. JOHNSON, of Kentucky, and inform him that he had been elected by the Senate to the office of Vice President of the United States, reported that, on Saturday last, they had performed that duty, and had received the following letter, which they were requested to present to the Senate:

To the Senate of the United States:

GENTLEMEN: I have received, with no ordinary emotions, the notice, through your committee, of my election to the office of Vice President of the United States by the Senate. I accept the station assigned me. This token of regard from the representatives of the States will ever be held in grateful recollection. Permit me to tender you my sincere thanks.

Observing that your decision is in harmony with a majority of the States and a moiety of all the electors in the primary colleges, my gratification is heightened, from the conviction that the Senate, in the exercise of their constitutional prerogative, concurred with and confirmed the wishes both of the States and the people. Called, in virtue of this preferment, to preside in the deliberations of your enlightened body, from and after the 3d of March next, permit me to make use of this opportunity to say that I cannot feel insensible to difficulties which I must anticipate, and the frequent occasion I may have for your forbearance. Though for thirty years a member of one or the other of the two Houses of Congress, yet I have never been accustomed to preside, even temporarily, over either, or in any deliberative assembly. My attention has generally been engrossed by the more immediate acts of legislation, without special regard to the minuteness of rules and orders, so necessary to the progress of business, and so important to the observance of the presiding officer.

Contemplating the character of my distinguished predecessors, and considering my deficiency in point of talent, and the want of experience for the appropriate duties of the station, it is impossible for me to overcome entirely the diffidence with which I meet this call of my fellow-citizens. But this reflection will always console me, that any errors on my part will affect me personally rather than the public; the intelligence of the Senate will guard the country from any injury that might result from the imperfections of its presiding officer, and its magnanimity will cover these imperfections with the veil of charity. In this conclusion, I find a warrant in contemplating among the members of your body so many friends with whom I have been associated in public life. It is only in the event of an equal division of the Senate that the presiding officer is called upon to give his vote. My hope is, that there may be always sufficient unanimity to prevent such a contingency. If, however, it should happen, this duty will be familiar to me, and I shall perform it without embarrassment. In exercising this power, I shall expect the same indulgence that I have ever extended to others, where differences of opinion existed.

To the Senate the most important trusts are committed. Its duties are legislative, executive, and, in certain contingencies, judicial. As citizens, every branch of our Government is dear to us; but, from my more immediate relation to this, by your choice, I shall regard it with special interest. It stands pre-eminent in talent and character. In presiding over its deliberations it shall be my effort to act with perfect respect and impartiality towards every member, and endeavor, by this course of conduct, to merit the approbation of all.

R. M. JOHNSON.

CITY OF WASHINGTON, *Feb.* 10, 1837.

CESSION OF THE PUBLIC LANDS.

The bill [Mr. CALHOUN's] to cede the public lands, on certain conditions, to the new States, came up in its order for a second reading.

Mr. HUBBARD remarked that he presumed that all those who wished to be heard in support of this bill had enjoyed the opportunity; and he would at once make the motion to lay the bill upon the table, in order to test the opinion of the Senate as to the policy of the measure, if he did not consider himself called upon to make some few general observations in relation to this subject. He intended, however, to submit that motion before he resumed his seat. And he would now proceed to state the particular reasons which will induce him to submit the motion. He certainly could not, with any truth, be charged with entertaining any feeling unfriendly to the new States. He was their friend. He had been their friend; and he could appeal with confidence to the records of this and of the other House, as evidence of the truth of the assertion. He had sustained, here and elsewhere, every measure which was cal-

culated to advance their interests, unless it could be inferred that he had given evidence of his hostility by opposing a general reduction in the price of the public lands, wheresoever they may be located. This he had done. He could not believe that such a course was necessary to the interests of the States northwest of the Ohio. Certainly such a course could not be just to the interests of the old States. He would not be found in opposition even to the application of the graduation principle, whenever he was satisfied that any portion of the public domain was over-valued at $1 25 per acre; but, for one, he entertained no doubt that a very large portion of the public lands liable to private entry was not only worth the minimum price, but would command it at any time in market. In making the motion which he designed to make, he would assure his friends from the new States that he was actuated by no unkind feeling to them, but from a sense of public duty. The course of the remarks of the Senator from South Carolina would lead any one to suppose that he had brought this subject forward out of pure regard to the interests of the new States; that he considered there was existing a great inequality in privilege between the new and the old States, in this and in the other House of Congress; that there was a degree of subserviency on the part of the new States—a want of independence; and that this bill, if it should become a law, would give to the new States equal rights—would free them from the thraldom now imposed upon them, and place them on a footing equally independent with their sister States. Can this be so? Where is the evidence of this inequality—of this embarrassment on the part of the new States? Where is the evidence of any disposition on the part of the old States to hold the new States in check? It is not to be found. The history of the legislation of Congress, from the foundation of the Government, cannot fail to furnish evidence of an unceasing and unfailing devotedness among the representatives of the old States, in the Senate and in the House of Representatives, to the best interests of the new States. The honorable Senator from Mississippi farthest from me, [Mr. BLACK,] and the honorable Senator from Missouri, [Mr. LINN,] have, on more than one occasion, admitted that the representatives from the old had not only been just, but generous to the new States. The fact is so; and the Senator from South Carolina is mistaken, if he supposes that the interests of the new States have been embarrassed in the slightest degree by the action of Congress heretofore. The reverse is the fact. Their interests have been invariably promoted, even at the sacrifice of the rights, in some measure, of the old States themselves.

The Senator expresses his surprise that this bill should be opposed at this stage; that it should be refused a second reading; that the Senate should object even to its printing. He was not aware that the question of printing had been made. He certainly had no objection to have the bill printed; but he was opposed to its second reading; because, if read a second time, it would have to be referred to a committee, and would be open to a full discussion.

He could not but regret that the Senator had introduced this bill; and might he not now ask, as he had on a former day, why has he done this at this late period of the session, when only seventeen working days could come before this Congress must terminate its labors? Why has the Senator seen fit, at this time, to introduce this subject before the Senate and the nation?—certainly a subject of higher importance than any other—a subject more immediately affecting the interests of the whole people than any other. The Senator himself says that he does not expect that the bill will receive any definite legislation during the present session, but he wishes the bill referred, and a report made. He wishes the subject debated. He considers it so important a subject that it should be debated at large, and for days, before any report for or against the project should be sent forth to the people. He was entirely opposed to any such proceeding; and if there was a public, a pressing necessity for the measure, if it was founded in general policy, it is somewhat remarkable that the Senator from South Carolina did not at the commencement of the session bring this bill forward, when there would have been time not only for deliberation but for action. He must object, therefore, most strenuously, to any further proceeding at this time upon this subject; and he could not but feel some surprise that the Senators from the new States are among those who are urging action upon this measure. As a friend of the new States—as a friend of the bill which has so recently passed the Senate, and been sent to the House of Representatives, he would say that no further action ought to take place upon the measure now before the Senate. It occurred to him, and must occur to every Senator, that the pendency of this bill here would greatly embarrass, if not entirely defeat, the final passage of the bill to which he had just referred. There certainly could be no occasion for passing that bill, if there is to be a favorable action upon this.

The bill presented by the Senator from South Carolina proposes to cede to the new States, on certain terms, all the unsold lands within their respective limits. Should this become a law, there would be much propriety in permitting the new States, respectively, to make their own pre-emption regulations, for the benefit of their own citizens. There cannot be, in his judgment, a single good reason assigned for the passage of the bill before the House of Representatives, if this bill is to be passed. He would therefore most sincerely advise the Senators from the new States, friendly to that bill, not to urge action at this time upon this bill; such a course must be known to the members of the House of Representatives, and must prevent action upon the bill now before that body. He was aware that some of the Senators from the new States were not very strongly in favor of that bill; but it was, nevertheless, regarded as a measure for the benefit, and, in his judgment, for the exclusive benefit, of the new States. His worthy friend, the Senator from Missouri, [Mr. LINN,] had frankly admitted, what he believed to be truth, that the bill which had been so recently passed by the Senate was a most advantageous measure to the new States; that they had no reason to ask for or to expect a better bill; and whoever will carefully examine all its provisions must concur in opinion, most fully, with the Senator from Missouri. And yet Senators from the new States, before that bill could have left this hall, are found advocating, and with all their power and influence supporting, the bill offered by the Senator from South Carolina. He must be permitted to say that such a course is full of danger to the bill now before the House. He had not a single doubt that, unless the bill now before the Senate is put to rest, there will be no further action upon the bill now before the House of Representatives. He was, therefore, as the friend of that bill, which had been so fully considered by the Senate, and which had so long engaged the attention and the time of the Senators, and which had so recently passed this body, unwilling to take a step which would embarrass its further progress. He should vote, for this reason, to lay the bill offered by the Senator from South Carolina on the table, as he considers such a course would be more respectful than to deny it a second reading.

He was opposed to any further proceeding upon this bill, because, as he had before stated, the public and private business now on the calendar imperiously de-

mands all the consideration and all the time of the Senate. There is no time for an extended discussion upon this measure. Such a course would be most unjust to the public, and would be most ruinous to individual, to private interests. There are hardly days enough remaining of this Congress to give to the public business now on the docket the attention and consideration which that public business demands. But, in addition to this, there are also individual claims which have long been before the Senate, and which are of the greatest importance to the persons concerned, and which it would be most oppressive and unjust to postpone for the sake of a mere debate upon this measure. He was therefore opposed to further proceeding on this ground. But even if there was time, he would object, and strenuously object, to any interference with the public domain in the way proposed by the Senator from South Carolina. His own State had a deep interest in this property; it belonged to the people of New Hampshire, in common with the people of the other States and Territories. And who has asked the Senator from South Carolina to move in this affair? He would not agree that the property of his people should be ceded away without their consent. He would not himself take such a step, unasked and unsolicited, and he should protest against any other person taking such a course. The history of the Revolution will show full well what had been done by his native State in the acquisition of the public domain; and he never could or would lend his aid in the disposal of the public lands without the approval and without direction of his people. There are no memorials before the Senate, even from the new States, for this cession. Those which had been referred to would be found to ask only for particular cessions, and for special purposes. He would not, then, move further. Enough has already been done. The Senator has introduced his bill; it has been discussed. The bill and the arguments in its favor will be printed; they will go forth, and will have the effect of calling the public mind to the consideration of the subject; and there he would leave it, and wait for the expression of the will of the American people in relation to this absorbing subject.

The Senator from Mississippi says that the subject ought to be debated, that the bill ought to be committed, and that reports containing arguments for and against the measure ought to be sent forth to the people; and he could not but consider it disrespectful to the feelings of the new States to deny this favor. He certainly, for one, meant no disrespect to the feelings of the new States, and yet he could not yield his assent to the proposition, for the reason which he had assigned. He was utterly opposed to a report going forth to the people, under the authority of the Senate, in favor of the measure. Such would be inevitably the case if the Senate proceeded further. If it was committed, a majority of the committee would be the friends of the measure; the report would be the report of that majority; it would go forth to the American people as the act of the Senate. The time has not yet arrived when any such proceeding would be or ought to be justified. The question involved is one affecting the interests of the whole people; and nothing would do more to prejudice the very measure in contemplation than to send forth, at a time like the present, a report, as the act of the Senate, calculated to forestall public opinion.

He must, therefore, oppose any further proceeding of the Senate upon this measure. He viewed it as calculated to embarrass the bill for which he had voted, and which had been so recently sent to the other House. He considered this measure uncalled for; as calculated to agitate the public mind in a way and manner prejudicial to the eventual success of any such measure; as standing in the way of all the public and private business now on the calendar; and as proposing to cede the property of the whole people, and that without their consent or knowledge, to particular States; and, in truth, from every view which he had taken of this subject, his mind had been brought to the conclusion that this movement was premature, replete with evil rather than good to the new States, and that it ought not to be at this time further discussed. He would, therefore, move to lay the bill on the table, and called for the yeas and nays.

Mr. H. afterwards withdrew his motion, at the request of Mr. BENTON and Mr. TIPTON.

Mr. NORVELL hoped that this bill would be permitted to take the usual course. It appeared to him that a measure involving so many important considerations was at least entitled to a reference and consideration by one of the standing committees.

Mr. WEBSTER rose and said, that in what he had to say on this subject he should be very brief, as it was to be disposed of that day. He had gone along with the Senator from South Carolina in opposition to the bill which had just passed the Senate, (the land bill,) and which he had hoped would not receive the sanction of this body. In this, however, he had been disappointed; for so far as the sense of the Senate was concerned, the bill would become a law.

But the leading motive, it would appear, which had induced the honorable Senator to present his bill at this time, was that the land bill had passed, however objectionable might be its provisions. With the general features of that bill, he (Mr. W.) had very great fault to find. The principal feature of the bill was nothing less than a clear, plain, palpable monopoly. It was a bill to confer a benefit upon the few at the expense of the many. The bill had not, as yet, become a law. Considering the small majority by which it passed, considering the reluctance with which many gentlemen voted for it, and considering that the feeling by which they were actuated would have more weight elsewhere, it was probable that the bill would not become a law. And if it should, it was to be in operation for a limited time only; and, if found not to meet the public judgment, Congress would be called upon to do something which would be better calculated to give general satisfaction.

With regard to the present proposition, he would say there were only one or two lights in which it could be viewed. The object was to cede the lands upon certain terms, and to divest the Government of all control over them. Now, he would ask, where was the power to make this grant? If we looked upon it as a cession for the benefit of the States in which the lands lie, if it was a gratuitous grant in any degree, where was the power obtained to authorize Congress to give away the public domain? Well, the answer to this question might be, that the proposition was not to make a gift of it, as certain returns were to be made to Congress by the new States. Now, by the constitution of the country, the trust, the management, the disposition of the public lands, was conferred on Congress; and he would ask, was it possible that any man could maintain the proposition that, as they were placed in their hands, as belonging to the whole people of the United States, they could transfer the general disposition of them?

It appeared to him that they might just as well entertain this proposition as one to farm out the custom-house in New York on certain terms. Nor did he know that Congress had any more authority to give away these lands than the proceeds of a custom-house on particular stipulations; nor could they surrender the control of it any more than they could assign to others the power of collecting the revenue of the custom-house in Boston, or elsewhere. He saw, therefore, objections insurmountable, whether they assumed the shape of a gratuitous cession or a trust. In either case, it transcended the

power of Congress. What was the real duty of Congress? It was to make the public lands a common fund for the benefit of the whole people of the Union. The great object was to sell it gradually. And while it was in a state of ownership, he had always held that Congress might make it more valuable by the creation of roads, canals, and other improvements of that sort. He had felt no difficulty, therefore, in supporting grants to accomplish these objects, because it was a very efficient mode of increasing the value of the public domain.

The duty of the Government, as he had just remarked, was to dispose of it; but that must be done in the simplest and most unembarrassed form. And whatsoever embarrassed the title, whatsoever embarrassed the conditions, and whatsoever had a tendency to create dissension, in regard to the purchase of lands lying within the jurisdiction of the new States, should be cautiously avoided. Now, the Senate had heard much relative to the thraldom under which the new States were; of their being subjected to another legislation; of the condition of individuals who could not get a little act passed without coming to Congress. He wished to say that, so far as respects the equality of footing upon which the new States stood to the old, he saw no reason to impute inferiority. He maintained that nothing had been done by Congress which encroached on the sovereign power of the new States. The General Government exercised no legislation over the land lying in a State, except so far as that State had agreed to it. No power was now exercised by the Government over the new States which had not been exercised over the old.

And as to the proposition under consideration, supposing that Congress sold the public lands upon a long list of conditions, a long list of terms, how long would it be before the new States would come here, and ask for a modification of those terms? Did the gentleman expect, by any system of this kind, to accomplish perfect unanimity of feeling and harmony between the new and old States? He (Mr. W.) saw no difference of feeling on the subject existing between them; and if there was any difference, why, he thought it would show itself. Arguing against the practicability of ceding the lands, he observed that he did not mean to say that the time would not come when Congress should sell some of the residuary lands to a State; and when that time came, it must be a direct sale, in his opinion, and not a conveyance in trust. And he did verily believe that it would by no means promote the interests of the new States themselves to enter upon the career proposed; and he spoke it with great deference to honorable Senators who might be supposed to understand their own interests better than he could possibly do. He contended that it was the most exciting, embarrassing, and irritating thing that could be conceived for a new State—a small State, for instance, like Michigan—to be troubled with the management of a vast quantity of land.

He objected to the bill, not only on constitutional grounds, but those of expediency also. He entertained the opinion that any system of selling lands, and confining the sales to actual settlers, brought on mischief, an interference between the legislation of Congress and the States.

With respect to lands in the hands of the Government, there was no objection to a slow and reasonable graduation. He did not mean to say that all land must be of the same value. The lapse of time would raise its value. The principle of graduation he believed of no importance at all in the northwestern part of the country—for it might be said there was no land which could not shortly realize the value fixed by Congress.

As to the taxing power, he confessed that he had no objection that lands, the moment they should pass out of the hands of the Government, should be subject to taxation by the respective States in which they may lie.

Adverting to the land bill just passed, he remarked that nothing but the pre-emption clause saved it; and that the system of pre-emption, to a certain extent, had a tendency to demoralize a State. For his own part, he would rather, at once, than grant a prospective pre-emption, see a provision inserted in the bill, that whosoever shall take the character of a settler of any surveyed lands of the United States, shall be entitled to a donation of eighty acres of land. Congress had the power of making donations, and he would prefer seeing all the pre-emption rights turned into them; for making donations was far more reasonable, and had a greater tendency to produce moral habits and good order among society, than any pre-emption system that could be adopted.

The whole foundation of the present proposition was, that there was not sufficient impartiality and care exercised, on the part of the Government, in carrying on the land system. He, however, was not prepared to surrender it, under any idea that it could not be administered as it had been hitherto. He concluded by remarking that Congress had no more power to transfer a trust than to cede the public lands. He hoped that no further agitation would take place on the subject, the country being unprepared for it. Indeed, he knew the proposition would strike the people generally, as it did him, as sudden, unnecessary, and leading to a policy which neither Congress nor the constitution would authorize to be adopted.

Mr. SEVIER, in rising, had no idea of saying any thing in regard to the merits of the bill before them. He was not prepared to discuss this important subject then as it ought to be, and therefore should not attempt it; but he could not forbear expressing his astonishment that a proposition of this description, and one too in which nine of the sovereign States of this Union had so deep an interest, should not be deemed worthy of the ordinary reference to a committee. That proposition, said Mr. S., in which you, [referring to Mr. KING, of Alabama, President *pro tem.*] and I, sir, and every Western man, well know is so interesting to the section of country we represent, is to be summarily and unceremoniously disposed of, without a hearing; and his astonishment at this want of courtesy was somewhat heightened when he reflected that they had refused even to print the bill. What was in this bill? Mr. S. asked. Was there treason in it? If so, publish it and let us see it. Can you not give this bill to the public, to let them look at it, examine it for themselves, and judge of its contents. The people, said Mr. S., do not know what is in it, what we are driving at, nor what the measure is to lead to. Publish it, then; and if we are wrong, if our propositions are unconstitutional, or unjust, or inexpedient, let the people see the bill and find it out. We are a rational people, said Mr. S., and easy to be convinced by presenting the truth to us.

He knew how totally incompetent he was to combat with the Senator from Massachusetts on constitutional points, and therefore he should not attempt it; but as the gentleman had contended that Congress could not constitutionally pass this bill, he would read a clause of the constitution, to show that if Congress possessed any power at all, it was over the public lands. Mr. S. then read the following:

"Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

Could any thing be more plain than this clause? He knew that the Senator from Massachusetts construed the constitution very liberally, and therefore it was impossible for him to imagine how the gentleman could see any constitutional objections to this measure. The bill provided that the States should survey and sell these lands precisely as the United States now does. There

was to be no change, either in the mode of surveying or selling the lands; but Congress would cease to be the local Legislature of the new States, and thus save a great deal of trouble, both to itself and them. The States would have too great an interest in the property ceded to them, not to manage it with care and prudence. They would graduate the price of the lands only when it ought to be done, and sell only in proportion to the demands of increasing wealth and population. Both these matters would be regulated by the public interest. He was glad to hear the Senator from Massachusetts repeat the doctrines advanced by him some years ago, on the subjects of graduation and encouragement to actual settlers; and he was so well pleased with the gentleman's remarks on those points, that he, for one, would vote to place him on the select committee, if such a one, as he hoped it would be, should be appointed to consider this bill, in order that he might have an opportunity of carrying out his doctrines. The gentleman said that he did not entertain any objections to the making of donations of lands for school purposes, or to a road or canal company. Now, where was the difference between making a donation to a canal company and making it to a State? In both cases it was a donation, and Congress possessed as much the right to make it in the one as the other. But he did not (Mr. S. said) intend to discuss this subject now; he only rose to express the hope that this bill might be referred to a committee, and reported on. When it came up, on its merits, he should be prepared to discuss it; at present, all he wanted was the reference and printing of the bill.

Mr. WALKER remarked, that while the Senator from Massachusetts was found on a former occasion advocating the right to present abolition petitions, and desirous of having an elaborate report in relation to them, he was found on this throwing every embarrassment in the way, to defeat the important interests, not only of eight or nine States, but of the whole confederacy. He [Mr. WEBSTER] asked Senators to pursue a course, in the present instance, more disrespectful than the one suggested in regard to the abolition petitions. He had said that if the public mind could be put right at all, it would be by the reports of committees. Now, he wished to see whether a majority of the Senate would concur in the opinion which the honorable Senator from Massachusetts had expressed. He wished to see whether they were prepared by their votes to say that Senators favorable to the proposition should not have the poor privilege of a reference to a committee, in order that they might have a report thereon.

Why should this proposition be treated in a different manner from any other? He had heard no reason for the adoption of such a course, and he thought that none could be given. The present Chief Magistrate himself, in 1832, had recommended a cession of the public lands to the new States. Were the people alarmed? Not at all. One of the ablest speeches ever delivered by the President elect was on this very subject, and he was favorable to a cession. And if we looked back to the debates of 1828, then some of the most distinguished sons of the South had warmly and ardently, although respectfully, advocated a cession of the lands. He could not think that the public mind would be alarmed at the measure. What was proposed in this bill? A sale, upon terms, of the lands within the States in which they are situate. It did not create a trustee; it was an absolute sale—a sale for a consideration.

The title must remain, after this bill passed, in the Government of the United States. But the bill contained a proposition making the cession upon payment; and he could not refrain from expressing his surprise and astonishment that the Senator from Massachusetts, [Mr. WEBSTER,] distinguished for his liberal and latitudinarian construction of the constitution, should make objections in reference to the terms of the bill. The Senator admitted that land might be sold to an individual on these terms; then, why not sell to a State? He admitted, too, that Congress could make a donation of eighty acres to a few individuals. On the same principle, they could make a donation of a million of acres to one or more persons. And yet, said the Senator, "you cannot sell the lands lying within their limits to the new States." He (Mr. W.) believed that that argument would be found to be untenable; and if there was a constitutional objection in the way, the gentleman from Massachusetts himself was the author of it. But the Senate had been told that alarming evils were to follow this measure; that Congress could dispose of the public lands in a much better manner.

Could the constituents of the Senator from Massachusetts, or those of any other Senator living as distant as he, at a distance of 2,000 miles from the new States, be apprized of what was best for the people of the West? They could not. Mr. W. argued that the new States ought to be put on the same footing as the old; and he contended, therefore, that the lands ought to be ceded to them. Was there any reason why, if it could be done, the new States should not have the power of legislating in regard to, and of purchasing, the public lands, as the old States have? He could see none.

With respect to the provisions of this bill, the Senator from Massachusetts had said that difficulties would arise between the new States and Congress, in respect to them; that the new States would prove faithless, and would violate the conditions. Mr. W. felt certain that they would do no such thing; for there was a clause in the bill revoking the grant, if any of the acts of cession should be violated. And not only were they revoked, but the title was rendered utterly null and void.

He next adverted to some of the consequences that would result, if the cession should take place. The time now spent by Congress in granting rights of preemption to individuals would be saved. That reason alone was a powerful one to induce the passage of the bill, without taking into consideration the enormous saving that would accrue to the Government by abolishing a great number of offices, which, under the new state of things, would be unnecessary.

If the cession could be be made, (and he would not, so help him Heaven, vote for it unless it was just,) the most happy consequences would follow from it. The people of the new States were placed, from year to year, in the condition of mendicants; their Senators here were calling upon Congress to do justice to their constituents. Titles, instead of emanating from the local authorities, were obtained some thousands of miles off. Individuals had to come all the way to Washington, and remain here some time, and were put to a very heavy expense in so doing, in order merely to get their titles amended. As the sales of the lands increased, so would the difficulties also. It was, under every aspect in which the matter could be viewed, very natural that the people of the new States should wish to be put on the same footing as the old.

Mr. NILES, after a few remarks, observed that a proposition was made by the Senator from Mississippi, on the passage of the land bill, to change its title, and call it a bill to arrest the monopolies of the public lands. Now, he thought that with more reason this bill might be called a bill to monopolize the time of the Senate for the remainder of the session. Now, do gentlemen of the West (asked Mr. N.) think it reasonable that we should spend the short time of the session yet remaining (only seventeen working days) on the business of the public lands, when that same subject has already taken up six or seven weeks, almost to the exclusion of every thing

else? Gentlemen surely ought to see how unreasonable this was, and to suffer this subject to lie on the table, and to proceed to something of more importance. It would seem from the remarks of some gentlemen that there was a crisis in our affairs, and that there was about to be a secession of the Western States, unless there was something done with regard to the public lands to meet their demands. What, then, he would ask, was there from that section of the country, which caused this measure to be so earnestly pressed on Congress? Were there any petitions or memorials, or had public meetings been called on the subject? Not so. This measure was the voluntary act of an individual member of the Senate, and one too who did not represent any one of the new States; and though it was loudly hailed by the Western members, nothing was presented from the people they represented to support it. He did not mean to call in question the motives of the gentleman who introduced the bill. His object was no doubt liberal and patriotic; but it appeared that he was so entirely opposed to the land bill which had just passed, and looked upon it as so mischievous in its tendency, that he brought forward the present measure, in order to divest the United States at once of an interest which, in his opinion, was so liable to abuse. The manner in which this subject was now pressed had caused him to look back to a period when Congress was operated on by an extraordinary pressure. He alluded to the time when the act in regard to the funding system was pending, and when the Eastern States threatened a secession unless it was adopted. The Eastern States carried their point, and from that time to this Congress had always acted under an irresistible pressure.

Mr. N. said that this was not a proper time to act on this subject; it was premature, and therefore inexpedient. If, said he, public sentiment exists in the new States, as it is represented to be, they will before long present the subject to the consideration of Congress; and when they did come forward and demand a hearing, far be it from him to deny it to them. He was willing to give them a full hearing, when they came forward of themselves; but he could not agree that it was proper in Congress to create public feeling. This was tried in 1834, when the panic season was brought on, and they had all seen the results. It was time for Congress to act, when public sentiment took the lead, but it never could be right for Congress to direct it. One great objection he had to this measure was, that the land bill just passed had not yet been tried. It was true it was but an experiment, but, having voted for one experiment, it seemed to him unreasonable to vote for another till that one is tried. He should therefore vote not only against the second reading of the bill, but against its reference.

Mr. ROBINSON did not see any direct connexion between the bill that had been passed and the one then before them. He voted for this land bill with more reluctance than he ever voted for any measure in his life, though it came from his friends. This bill, however, he looked upon in entirely a different light. It was not a temporary measure, like the land bill, but one in which the new States felt the deepest interest, and which promised them the most lasting benefits. We view it, said Mr. R., as a struggle in which money is the object on your part, and sovereignty and independence that on ours. Thus circumstanced, what, said he, do we ask? Only that this subject may be laid before the people of the United States, and not that it may be acted on at this session, but that it may be maturely considered and prepared for action on it at the next. Now, why did gentlemen object to these simple and reasonable propositions? Were they afraid of the truth? Let the report on this measure go to the people, and abide by their decision; but do not, said Mr. R., muzzle us, and prevent us from explaining what our object is, and how we propose to accomplish it. With regard to this bill, he was highly gratified that it should come from the quarter it did. We of the new States, said he, might propose such a measure, and make speech upon speech upon it, and year after year, without success; but coming, as this bill did, from a member from one of the old States, and therefore from a disinterested source, he indulged the most flattering hopes of its ultimate success. On the part of the new States, he begged leave to express his most heartfelt thanks to the gentleman who had brought forward this measure, promising them such important advantages. It was worthy of the occasion, and worthy of the man, and he was entitled to the lasting gratitude of the West.

Mr. SOUTHARD said that if the minds of Senators were made up on the subject, they were prepared to vote now as well as at any future period. It was not a new question; it had been agitated at former times; but it was a new question, so far as the opinions of Senators from the new States were to be regarded. He did not wish that the subject should be agitated now; and, in saying this, he did not mean any disrespect to the Senators from the new States. The Senate had been told that the people of the new States had asked a hearing. When did they? He was not aware of the fact, not having seen any paper in which they asked Congress to cede the public lands.

[Mr. WALKER. We have several memorials before the Committee on Public Lands.

Mr. SOUTHARD. It may be so; I was not aware of it.

Mr. WALKER. There are memorials from the Legislatures of Arkansas and Missouri, asking a cession of lands within their limits.]

Mr. SOUTHARD said he was under the impression that the prayer of the memorials would be found not to go to the extent of asking what the bill contemplated, but merely a special cession. Adverting to the provisions of the bill, he contended that Congress, having once ceded the lands, would not have the power of compelling the new States to fulfil the terms under which they received them. He argued that Congress did not possess the power to cede the lands, that it would be a violation of the grant by which they were bound to preserve the public domain for the benefit of the whole Union. He concluded by saying that he should vote against the second reading of the bill.

Mr. CALHOUN observed that one of the reasons assigned against reading the bill a second time was, that it would prevent agitation. The subject had already been agitated; and he, for one, so long as he should have a seat on that floor, would continue to agitate it, until public attention should be thouroughly aroused. He contended that this attempt to prevent the bill from being again read and referred would only cause the subject to be the more deeply agitated. The provisions and principles of the bill could not be so well tested as if sent to a committee, where they would be deliberately examined. They would then make a report on the bill, which would go out to the country, and the people would have an opportunity of forming a deliberate judgment respecting it, and the effect might be to convince the new States themselves that the measure was wrong; and if so, an early termination would be put to it. Then, why should this not be done? He felt a profound regret that Senators did not think fit to permit the bill to take the usual course. He had not risen for the purpose of advancing a new argument, but merely to reply to the constitutional objections of the Senator from Massachusetts. If it were necessary, he could at least present an argument *ad hominem*.

If Congress possessed the right to make donations to individuals of eighty acres of land, as was remarked by

the Senator from Mississippi, [Mr. WALKER,] had they not equally, on the same principle, the power to make donations of hundreds, or one hundred thousand? If there were any distinction, he (Mr. C.) was not able to see it. Congress had a right, as was said by the Senator from Massachusetts, to make donations to States for certain purposes. Now, if they could make a donation for any purpose—for a deaf and dumb asylum, for an infirmary, or for any purpose whatever—he would ask, why not make a gift of the public lands? He repeated, that if there were a distinction, he, for one, was incapable of perceiving it.

The Senator from Massachusetts had said Congress had no right to give up the trust delegated to them. The object of the bill was to make a sale, and not a trust. It was a series of conditions of sale, which were intended to be beneficial to the new States as well as to the old; and the question was, "Can you make a sale of the public lands?" Congress could dispose of lands to individuals: then, why not to a State? If they could make an absolute sale, could not they make a conditional sale? That was the simple question. If they could not, then all he could say was, that he did not understand the argument. He must say that if he ever did entertain any constitutional scruples on the subject, the Senator's argument had satisfied him that there were none. He knew that the gentleman was capable of presenting (if there were any) objections in the strongest possible light; but he had not succeeded in convincing him (Mr. C.) that there were any. But the Senator had said that the grounds upon which he (Mr. C.) had put his bill at this time was the passage of the land bill, objectionable as it was, and which he [Mr. WEBSTER] said might not yet become a law. Now, that was not so; he did not place the bill upon the naked fact of the land bill having passed this body. It was the character of the bill which had satisfied his mind that we had reached the time when something must be done on the subject. He would not characterize the bill, for he had already expressed his opinions on it. He asked whether every Senator opposed to the administration had not opposed the land bill? Did gentlemen not see there were political causes in operation? The time had arrived when the corrupt tendency of such bills should cease, which was controlling, to a certain extent, the action of Senators on that floor. These were the indications which induced him to introduce this bill.

But the Senator from Massachusetts said that what he (Mr. C.) proposed to effect could scarcely be effected by this measure, or rather that the evil did not exist; that the present condition of things did not affect the sovereignty of the new States, or that they are in a state of vassalage. He admitted that this was a strong term, and he had used it in the heat of debate. He begged gentlemen to look at the fact. Could any thing be more local than the territory of a State? And was there no small state of dependency in a people being obliged to come here from a distance of eight hundred or a thousand miles?

He would ask the Senator from Massachusetts, whether this was not giving the General Government an unreasonable control over the new States? Their officers were diffused every where, creating a state of dependence, which did not exist in the other States of the Union. People were obliged to come here, session after session, to get what they claimed to be just. If the control at present exercised by the General Government was not inconsistent with the sovereignty of a State, it was at least a derogation.

The Senator remarked that this bill would not stop agitation, and that the new States would come here before long, and ask that the conditions should be altered. He (Mr. C.) did not think it improbable that they would do that, but it would probably be eight or ten years first; and in the mean time our councils would be free from the control under which they at present suffered, and from political agitation, growing out of the discussion of questions connected with the public lands.

And if, at the end of that time, any of these conditions should be found burdensome, it would remain for those who might be here to apply the proper remedy. But the Senator argued that the bill would prove of no benefit to the new States; that they were small in population, and would be subject to agitation themselves, and might not fulfil the conditions of this bill. The bill, however, provided certain restrictions, which could not be overcome. Should any one of them be violated, the grant would be null and void. After some further remarks, in explanation and defence of the provisions of the bill, he concluded by an expression of his hope that Senators would permit it to be read a second time and referred; so that an opportunity would be given the country to examine and deliberate on the report which would be spread before it, in relation to this important measure.

Mr. TIPTON said the Legislature of Indiana had, in 1829, sent a memorial to Congress, for the purpose of obtaining a cession of the public lands, and claiming it as a right. Other memorials also had been sent on the same subject. The proposition, therefore, was not new. All the Senators of the new States felt a deep interest in it, and were desirous that it should be referred, and a report made upon it. Mr. T. had voted for the restrictive land bill with great reluctance. He preferred that the lands should be ceded to the new States for a fair consideration.

Mr. HUBBARD said he was aware of the memorial or resolution of the Indiana Legislature, to which the Senator had alluded. But that resolution was, that Indiana had a right to possess the public lands within her limits, without purchase. That doctrine, he said, did once prevail, but it was now set up by no one.

Mr. BENTON rose for the purpose of supporting what had been said by the Senator from Indiana. He thought, if gentlemen would look over the documents, they would find a dozen memorials in which both the principles of this bill were embraced—he meant graduation and the extinction of the federal title to the lands in the new States. Yes, he said, "extinction of the federal title;" for he always spoke on this subject in the same sense as speaking of the extinction of an Indian title. He had, he believed, had more correspondence with the West than any other gentleman in the Senate; and, when writing on the subject, he always said that these two propositions (graduation and extinction of the federal title) had been thrown by the proposition to divide the proceeds of the land sales; and that they must first fight down and kill this distribution scheme before they could hope for success. He told his correspondents, also, that the greatest service that President Jackson ever rendered to his country was to put his foot—his large foot—on this proposition. He might say, further, that if he (Mr. B) had ever rendered any service to the country at all, it was in helping to kill that bill; and it now lay prostrate, a corpse. That impediment being now removed, we can, said Mr. B., now begin again. I shall put my shoulders to the wheel, and keep pushing till we carry it through. He was for both the principles contained in this bill; and as to the details, when he was cordial about a principle, he never should balk at them; he would give and take. While up, he would express the hope that the subject might be referred to a select committee; and, having said this, he would say, further, that he had no expectation of accomplishing any thing at the present session.

Mr. BUCHANAN said that we were now less than

three weeks from the close of the session, and it was impossible that within this period we could transact all the necessary public business; yet it was at such a moment that this measure was urged upon our consideration. It was an apple of discord thrown into this body, which must cause the waste of much precious time, and give birth to protracted and angry discussion, unless we should promptly resolve to relieve ourselves from it. One effect which it would most probably produce was the defeat of the land bill in the other House--a consideration which ought to have its weight, especially in the minds of Western Senators.

Mr. B. asked, what did this bill propose? Why, sir, an absolute gift to the new States of two thirds of all the proceeds of our public lands within their limits, whilst we retained but one third for ourselves. No such request had ever been made to Congress by any of these States, within his knowledge; certainly not during the past or present sessions of Congress. They had never asked for any thing so unreasonable and so unjust. The applications from Mississippi and Arkansas, which had been referred to in this debate, were altogether of a different character. He would venture to say that there was no new State in this Union which, if the question had been submitted to its own intrinsic sense of equity and justice, would have ever thought of making such a proposition to Congress as that contained in this bill. When these States shall come forward with any reasonable and well-digested plan of their own, asking for the cession of the public lands within their limits, upon fair terms, he should then be prepared to hear them most respectfully. There was no occasion to stimulate them to pursue this or any other course in which they felt their own interests were involved. We had abundant evidence that their Senators on this floor were both able and willing to enforce any just proposition proceeding from their constituents.

Senators ought to recollect that there would be two parties to any such arrangement. The people of the old States had and felt as deep an interest in this question as those of the new. If reasonable terms should be proposed, it was probable that the old States might consent to the adjustment of this difficult and embarrassing question, in such a manner as would give satisfaction to their brethren in the West. But, said Mr. B., let me tell gentlemen that I would almost as soon think of putting my hand into the pocket of one of my constituents, and taking from him two thirds of the money it contained, for the purpose of giving it away to a stranger, as I should agree to vote for this bill, in opposition to the wishes of those who sent me here. If any equitable arrangement of this question could be made between the parties interested, he should rejoice at such a result. For his own part, he felt disposed to grant liberal terms to the new States; but he should never consent to abandon the rights of his own constituents, in order to propitiate the people of the West, however much he might regard their good opinion. He would not, if he could, to use the language of the Senator from Illinois, [Mr. ROBINSON,] become their Magnus Apollo upon any such terms.

What, then, did the Senator from South Carolina [Mr. CALHOUN] ask us to do? To send this bill to a select committee. And for what purpose? Not that there shall be any final action upon it during the present session, because that was manifestly impossible, but to obtain a report in favor of its provisions. This report, containing a long, ingenious, and able argument, in favor of giving all the public lands to the new States, with the exception of one third of their gross proceeds, would be circulated far and wide throughout the whole Union. Whilst it would excite unfounded hopes in the minds of the people of the new States, it would produce an alarm equally groundless throughout the old States. It would have a tendency to exasperate the feelings of both parties, and might, and probably would, greatly retard, if not forever prevent, the adoption of any fair compromise on the subject. This report, we had a right to presume, would be altogether on one side, whilst the other would not be heard. It might prevent the new States from offering such terms as we of the old States could think of accepting. He should wait until the new States themselves thought proper to move in this business. They were not slow to act in any manner which they thought might promote their own welfare.

Mr. B. said he was now determined to ascertain whether the Senate would, at this session, spend any more of their precious time upon this subject. He should, therefore, renew the motion which had been made by the Senator from New Hampshire, [Mr. HUBBARD,] to lay the bill upon the table; and he gave notice, in advance, that he would not withdraw it on the request of any Senator whatsoever.

Mr. NORVELL trusted that the bill would be allowed to be read a second time, for reference. He believed that no bill of any kind, with perhaps one exception, had, for a long time, been refused a second reading and reference. That now before the Senate was of such deep importance, and involved interests of such magnitude, especially to the new States, that he thought its rejection at this stage of the proceeding would not only be unusual, but very extraordinary. He therefore expressed the hope that Senators would suffer the bill to be again read, and referred, either to the Land Committee or to a select committee, that it might be maturely considered and reported upon.

The question was then taken, and the bill was laid on the table: Yeas 26, nays 20, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clayton, Crittenden, Dana, Ewing of Ohio, Hubbard, Kent, Knight, Niles, Page, Parker, Prentiss, Rives, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Tomlinson, Wall, Webster, Wright—26.

NAYS—Messrs. Benton, Black, Calhoun, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Norvell, Preston, Robinson, Sevier, Tipton, Walker, White--20.

FORTIFICATION BILL.

The Senate then proceeded to take up a bill making provision for the collection of materials and the purchase of sites for certain fortifications therein designated. [It appropriates about a million and a half of dollars to these objects.]

Mr. CRITTENDEN demanded further information in reference to the necessity of these works, the estimates upon which the appropriations were founded, and the total expense of completing the works for which this bill, appropriating a million and a half of dollars, proposed only to make preparation.

Mr. BENTON, chairman of the Military Committee, who had reported the bill, stated, in reply, that it was identically the same bill which had passed the Senate at the last session. The Senator was, therefore, in possession of full information in regard to it.

Mr. SOUTHARD opposed the bill in most of its features. It was a carrying out of the plan which had been laid down by General Bernard. And though the scheme of defence by fortifications proposed by that celebrated engineer might have been wisely adapted to the state of the country at that period, its condition had since been so greatly changed, by the increase of its population and the augmentation of its power, that many of the features of the plan were no longer necessary, and might advantageously be dispensed with. The improvements which had been made in the means for transportation of

the munitions of war rendered it now a comparatively easy thing to concentrate large bodies of the militia at any point that might be threatened by a foe. And thus the necessity of many forts otherwise requisite was superseded. And forts, if not judiciously located, were not only of no valuable service, but, owing to the train of consequences they drew after them, were a positive evil.

Mr. S. had carefully examined the report of the Secretary of War on this subject, made to Congress at a preceding session, and he had then become satisfied that many of the proposed works were of this description. He wished to have further time to examine the bill; and therefore moved to lay it upon the table till Monday; but withdrew the motion at the request of

Mr. BENTON, who briefly replied, stating that the estimates upon which the bill was founded had all been submitted and explained at the last session, after which the bill had passed the Senate. He admitted the facility with which large bodies of troops might be thrown into any city or town that was threatened by an enemy. But when they were there, though there should be half a million of them, of what avail would they be against a bombardment? A bomb charged with bushels of powder and balls could be discharged at the distance of 4,000 yards, and if it exploded in the midst of a squadron of horse or a column of troops, it would scatter or destroy them. A man-of-war would desire no better amusement, while its crew would remain in perfect safety from the force on shore. Forts were also necessary for the protection of merchant vessels, and even of our ships of war, when pursued by a greatly unequal force.

Mr. SOUTHARD now renewed his motion to lay the bill on the table.

Mr. BUCHANAN demanded the yeas and nays; which, being taken, were: Yeas 12, nays 26.

So the Senate refused to lay the bill on the table.

The bill being at its third reading, and the question being on its passage,

Mr. BENTON demanded the yeas and nays; which were taken, and stood as follows:

YEAS—Messrs. Benton, Buchanan, Dana, Fulton, Grundy, Hubbard, Kent, King of Alabama, Knight, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Robbins, Ruggles, Sevier, Strange, Tallmadge, Tipton, Tomlinson, Walker, Wall, Wright—26.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Moore, Prentiss, Robinson, Southard, Spence, Swift, Webster, White—12.

So the bill was passed.

MILITARY APPROPRIATION BILL.

On motion of Mr. WRIGHT, the Senate then took up the military appropriation bill, in which he proposed a slight amendment, to include an appropriation for the Tennessee volunteers, who were ordered into service, and then discharged.

As the bill was at its third reading, this motion could only be made by unanimous consent.

Mr. SOUTHARD said that he felt favorably disposed towards the amendment, but, wishing a little further time to look at it, suggested that the bill be laid on the table until Monday; to which

Mr. WRIGHT assenting, the bill was laid on the table accordingly.

The Senate then adjourned.

MONDAY, FEBRUARY 13.

PATENT OFFICE.

On motion of Mr. RUGGLES, the Senate proceeded to the consideration of the bill supplementary to the act for the improvement of the useful arts.

A variety of amendments, offered by Mr. RUGGLES, were all adopted, with the exception of the salary of the two examining clerks, which was made $1,500 instead of $1,700, as Mr. R. proposed.

Mr. KNIGHT moved to strike out the 4th section of the bill, which provides for restoring the most important models, which were all destroyed by the burning of the Post Office building.

Mr. RUGGLES remarked that it was only proposed to restore the most important models, and that the expense of doing so would be paid from the contributions of patentees.

Mr. NILES spoke at some length in favor of the motion.

Mr. WEBSTER remarked on the impossibility of the examining clerks, for whose appointment and support provision had just been made, performing properly the duties assigned them, of deciding on the justness of claims to patents, unless the most important portion of the models, all of which had been destroyed, should be restored. He regarded the appropriation as absolutely necessary.

Mr. KNIGHT suggested that all improvements of much importance were generally known, and that the fourth section, if not stricken out, ought therefore to be limited to the last fourteen years.

Mr. SEVIER moved to lay the bill on the table. Negatived.

Mr. RUGGLES further explained the bearing and importance of this section of the bill. It was designed, he said, to restore only 3,000 out of 7,000 or 8,000 models that were destroyed.

Mr. NILES suggested $20,000 instead of $100,000, which he considered as altogether too large a sum for the object proposed. He also insisted that the money would be paid out of the public Treasury.

Mr. BAYARD read portions of the report of the Commissioner of the Patent Office, stating that the restoration of about 3,000 of the models was due both to inventors and to science. A few minutes' inspection of them would often save years of reflection to an inventor, and would suggest what would in many cases be never originally suggested. As an example of this, Fulton's improvement in steamboats, immensely important as it is known to be, was based on inventions which had been abandoned, and were utterly useless. Such models were also absolutely necessary, to enable the examiners properly to perform the duties assigned them. Inventors were exceedingly tenacious in regard to the originality of their inventions, and would not yield without the most conclusive testimony. Mr. B. said such were the opinions of the Commissioner at the head of the bureau, which Mr. B. enforced by arguments, especially regarding the Patent Office as a school of science, and a regular history of the improvements in the useful arts in this country.

Mr. NILES remarked that many models, practically useless, might be useful as affording a history of the progress of inventions. But if an expenditure of this kind should be begun, it would have no end.

Mr. N. moved to strike out $100,000, and insert $20,000.

Mr. STRANGE, as a member of the committee, said the committee understood it to be the desire of the Senate that the Patent Office should be restored, as far as possible, to its original state. They had found on hand $300,000, derived from the sale of patents, and available for the great object contemplated by the establishment of the Patent Office. The $100,000 was not necessarily all to be expended, but was the extreme limit of the expenditures, though Mr. S. was satisfied that nearly so much would be required; and $20,000 he regarded as worse than nothing.

Mr. KNIGHT now rose to withdraw his motion to strike out the 4th section, but, as the yeas and nays had

been ordered, the Chair decided that it could not be done.

The motion to strike out was then negatived, as follows:

YEAS—Messrs. Black, Buchanan, Ewing of Illinois, King of Alabama, Knight, Moore, Nicholas, Niles, Page, Robinson, Sevier, Walker, White—13.

NAYS—Messrs. Bayard, Benton, Brown, Clayton, Cuthbert, Dana, Ewing of Ohio, Fulton, Hendricks, Hubbard, Kent, King of Georgia, Linn, Lyon, Mouton, Norvell, Parker, Prentiss, Preston, Robbins, Ruggles, Strange, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—29.

Mr. PRENTISS, after some explanatory remarks, moved to strike out the word "assignees," in the 7th section. Negatived.

The bill, as amended, was then ordered to be engrossed for a third reading, without a division.

RECOGNITION OF TEXAS.

Mr. WALKER moved to take up the resolution offered by him some time since, recognising the independence of Texas; on which motion he demanded the yeas and nays.

Mr. WRIGHT urged the taking up of the army appropriation bill.

Mr. BENTON strenuously urged and claimed as a right that the unfinished business should first be taken up. He had a bill for the increase of the army, which would regularly come up as the unfinished business. The vote to take it up now would, if rejected, be decisive of its fate. It had been early reported, but had been kept out of its place by the land bill and the regulating currency bill, and he claimed that it should now be considered.

Mr. WALKER pleaded for his Texas resolution, and insisted that the honor of the country demanded that it should be acted upon without delay.

Mr. BENTON objected, with some warmth, to Senators jumping up in this manner and interrupting the regular business of the House, as reported from standing committees, by interposing the consideration of resolutions of their own. The army bills were of great importance, and if this resolution should be taken up before them, the prolonged debate to which it would lead must effectually defeat all hope of having them considered in time to go to the other House.

Mr. PRESTON admitted the importance of the army bills, and should not object to their being considered; but this resolution on the subject of Texas had been offered a month ago, and, if longer postponed, must in all probability be lost.

The question was then taken on considering Mr. WALKER's resolution, and decided in the negative, by the following vote:

YEAS—Messrs. Black, Calhoun, Clay, Fulton, Hendricks, King of Georgia, Moore, Mouton, Parker, Preston, Walker, White—12.

NAYS—Messrs. Bayard, Benton, Brown, Buchanan, Clayton, Cuthbert, Dana, Davis, Ewing of Illinois, Grundy, Hubbard, Kent, King of Alabama, Knight, Linn, Lyon, Morris, Nicholas, Niles, Norvell, Page, Prentiss, Robbins, Robinson, Ruggles, Strange, Swift, Tallmadge, Tipton, Tomlinson, Wall, Wright—32.

The Senate then proceeded to the consideration of a bill "to increase the present military establishment of the United States, and for other purposes."

Mr. BENTON, chairman of the Military Committee, took up the bill by sections, briefly explaining the purpose of each, together with the amendments reported from that committee.

No opposition was made to them, and they were all agreed to; when the bill was reported to the Senate, and ordered to its third reading.

The army appropriation bill was read a third time and passed.

ARMORY BILL.

The Senate having taken up the bill to establish a foundry, an armory in the West or Southwest, arsenals in the States in which none have yet been established, and depots for arms in certain States and Territories—

Mr. BENTON, chairman of the Military Committee, who had reported the bill, briefly explained its design, and the grounds on which it had been reported.

Mr. CRITTENDEN suggested doubts as to the propriety of establishing arsenals in all the States, though he admitted that they might be requisite in some. The States, however, were very competent to erect arsenals for themselves, and would not thank the General Government for any charitable establishment of this kind. Mr. C. reprobated such an unnecessary expenditure of the public money, and was against the extension of federal power, to which a measure of this kind must necessarily lead.

Mr. BENTON contended that it was a part of the theory of our Government that the nation should be armed; and, in order to this end, it was necessary both that the manufacture of arms should be extended, and that depots should be established for keeping them in all the States. He then read returns from the ordnance department, showing in what States arsenals had been erected, and in what States there were none; on which he remarked that those States which most needed arsenals were entirely destitute of them, while States far less exposed were well supplied.

No amendment being proposed to the bill, it was reported to the Senate; and the question being on its engrossment for a third reading—

Mr. CALHOUN observed that he had looked at the provisions of the bill, and that nothing in this world could be more useless than the expenditure it proposed. The country had already on hand about 800,000 stands of arms—an amount almost equal to that provided by Great Britain for her immense military establishment. The mere interest on such an investment was itself a heavy charge upon the Treasury; besides which, there was the liability to have the whole superseded by the invention of a better species of arms. The Government had already two large armories, capable of furnishing arms much faster than they were needed; and there was a necessity rather for retrenching than extending the means of supply. These arguments had all been urged at the last session; but he supposed it was vain to repeat them. They had not been answered, and could not be. But the money was to be expended on something, and perhaps it might as well be on this as on any thing else. The Government must get clear of it in some way; it must not go back to the States; and ways and means must be devised to expend it. The bill had no other object on the face of the earth. Mr. C. appealed to the majority of the Senate, entreating them to economize the public expenditure. He reminded them of the strong denunciations which had been poured on a previous administration for its alleged extravagance, and that it was on the plea and promise of economy that the present party had come into power. Yet no sooner had they got control of the Treasury, than they went on to expend beyond all previous example. The moral effect of this state of things had been most pernicious. It had led the nation to conclude that the professions of no party could be believed. They were not believed; and the result of this incredulity in the public mind would always tend to place in the hands of an existing administration a vast amount of power.

Mr. BENTON, in reply, read from the returns of the Treasury Department the sums paid for the manufac-

ture of arms at private establishments, amounting to nearly a quarter of a million of dollars; and argued, from the fact of the Government applying to private manufactories for so large an amount of its arms, the necessity for another public armory. These private establishments existed at six different points, extending from the District of Columbia to the North and East, while on the frontier, to the South and West, where arms were most needed, there was not a single factory. All that portion of the Union had to look to the North-east for their supplies; and when the guns were made, it cost half their value to transport them. As to having a full supply, and all we needed, it was what he could not understand. There was a continual consumption, and there was a constant increase of population, and therefore there was necessity for constant manufacture. The European Powers were continually manufacturing arms, nor would they ever cease to manufacture them. If the United States had to-day all they needed, and could keep every gun without rust or decay, twenty five years hence we should have only half a supply; for the population then increased to that proportion. But instead of keeping every gun, one half of them would by that time be gone. It would not do to quote the example of Great Britain, because her policy was the reverse of ours. She only wanted enough arms in the hands of her standing army to shoot down her unarmed population the moment they resisted any measure of Government. She read the riot act, and then, if the people did not run, ten or twelve thousand of them were cut down. But the theory of our Government was that the nation was to be armed. We wanted no standing army to cut down our unarmed population. The efficiency of the Western militia was to be traced to the habit of handling arms in their youth. They did not run away from an enemy, because they felt the consciousness that they could shoot as well and better than any enemy that could be brought against them. They had not been trained with cornstalks, and set to handle a gun for the first time when they went into battle; and he would say, in behalf of Missouri, that the most acceptable form in which they could bestow on that State her portion of these accursed frogs which came up as from the river of Egypt, and spread themselves every where and over every thing, from the nuptial couch to the kneading trough, (he referred to the surplus balances in the Treasury,) was to establish amongst them an ample depot of arms.

Mr. CALHOUN was very happy to hear so frank an avowal from the Senator from Missouri of the truth of what he had observed when last up, that the object of the bill was to get rid of a part of the surplus revenue in the Treasury. As to the argument derived from the fact that the Government obtained a portion of its supply from private factories, all that was easily explained. These factories were old establishments, which had been gotten up by their proprietors expressly on the faith of the Government; and they were in practice as really public establishments as the armories of the Government. The Government had been obliged to take enough from these individuals to keep their establishments from ruin, and that was the sole reason for the item quoted by the Senator from the returns. The two armories we already possessed were capable of turning out 20,000 stands of arms a year; and now it was proposed to erect a third, while the actual consumption was but between one and two thousand stands annually. There was one source of consumption which could not be avoided; but, instead of being an argument for the manufacture, it was a strong argument against the unnecessary multiplication of arms; and that was, their decay while lying in boxes. The larger the amount on hand, the greater was this source of decay. The country had already between 700,000 and 800,000, which had cost it ten millions of dollars, besides a large amount of capital invested in magazines; so that the total annual interest was little, if any thing, short of a million of dollars. As to the arming of our people, this bill did not propose to put a single gun into the hands of a single man. But for what purpose was so large an amount needed? It must be either to arm the Government against the people, or to fight some foreign enemy. He trusted our people did not want them to cut each other's throats. He repeated that the expenditure was useless; that it went to produce an accumulation of what was already accumulated, and was merely a contrivance to keep the money from the States.

The debate was further continued by Messrs. BENTON and CALHOUN, each of them insisting on the ground already taken, and endeavoring further to strengthen their respective positions.

Mr. KNIGHT then addressed the Senate as follows: I shall vote against the bill; perhaps it may be necessary to suggest some of the reasons that govern me. I know the bill contains a proposition to build an arsenal in the State from whence I come; and, so far as that goes, I have no objection to that part of the bill, for the money it will cost it would be very acceptable to have expended there. But the question is, are the arsenals and armories contained in the bill necessary? If more arms are needed, is it necessary to build more armories? We can readily contract for the manufacture, without incurring the expense of all the outlays necessary for carrying on the making of arms; the private manufacturers will make them cheaper than the United States can. We get them now, it is believed, at a less price by contract from the private armories than they cost at our armories, without taking into consideration the immense outlays of the establishments, and the interest and cost of keeping them in repair. Sir, who are we to arm? The militia of the States, your own citizens. Then, let the arms be within their reach and under their own care. The practice now is to deliver to the several States the arms when made, and the States take care of them without further cost or trouble on the part of the United States; and, whenever needed, they are at the command of the Governor and Legislature of the State, to be used at their discretion. But if we build arsenals, we must have officers to take charge and care of them; and when the arms are required by any exigencies of the State, the Governor or commander must go to your corporal or sergeant, who may have charge of your arsenal, and beg him to loan those arms for the purposes needed. Now, sir, I am opposed to that; I will not place the States in such a predicament; I will give the States the arms, and if they will not take care of them, why, then I would not give them any more; therefore, I am for letting things remain as they now are, without further legislation.

The question being at length taken on the engrossment of the bill, it was decided, by yeas and nays, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Page, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, Wright—26.

NAYS—Messrs. Calhoun, Clay, Clayton, Crittenden, King of Georgia, Knight, Moore, Parker, Prentiss, Preston, Swift—11.

So the bill was ordered to be engrossed for a third reading.

TBADE WITH BELGIUM.

Mr. BUCHANAN, from the Committee on Foreign Relations, moved that the Senate consider a bill from the

House, respecting the duties on Belgian vessels and their cargoes. The bill having been taken up,

Mr. BUCHANAN briefly explained its object. By the act of 1824, this Government had offered to all nations to receive their products in their own vessels on the same terms as they should receive our products in our vessels. Holland had refused these terms, and imposed a discriminating duty of ten per cent. in favor of their own vessels. We might, according to the principles of that act, have done the same, as a countervailing measure, in favor of our own navigation; but as, notwithstanding the duty of ten per cent., our own navigation continued to enjoy almost the whole of the trade between Holland and the United States, nothing further was done, and the vessels of Holland were allowed to enter our ports on the same terms with our own. This was before the separation of Belgium from Holland; but after that separation, on the vessels of Belgium presenting themselves for the first time in our ports, a discriminating duty was demanded of them, although none was demanded from Dutch ships. As this seemed a hardship, the present bill had been introduced, in order to put Belgian vessels on the same footing with those of Holland. A proviso, however, was inserted in the bill, empowering the President, whenever circumstances should, in his opinion, render it expedient, to enforce the act of 1824 against both Dutch and Belgian vessels.

Mr. CLAY further explained the case, confirming the statements made by Mr. BUCHANAN, of whom, however, he inquired whether information had been obtained by him as to the present proportion between Dutch and American navigation employed in the trade with Holland, as, in 1835, it appeared that the Dutch were rather gaining upon us.

Mr. BUCHANAN replied that he had not, but would make the inquiry at the Department, and have the facts ready by to-morrow.

The bill was then reported to the Senate, and ordered to its third reading.

BURNING OF PUBLIC BUILDINGS.

The Senate, on motion of Mr. GRUNDY, then took up the bill to alter and amend the act for the punishment of certain crimes against the United States.

The bill having been read,

Mr. BUCHANAN said it might be owing, perhaps, in part to his Pennsylvania principles, or prejudices, if gentlemen would have it so, but he could not consent to the infliction of the punishment of death for any crime but murder in the first degree; in which case, the Divine precept ordained that "whosoever sheddeth man's blood, by man shall his blood be shed." The insertion of a capital punishment often operated, practically, to produce the acquittal of offenders.

Mr. GRUNDY was aware that such opinions were entertained by many; but he could not subscribe to them. We punished treason capitally, which was a departure from this rule. He thought that the burning of the Capitol or of one of the Departments was an enormity so great that nothing short of death was a suitable punishment. It was calculated to strike a terror which nothing else would. A mere penitentiary punishment would have but little effect upon that class of miscreants who would be likely to commit such a crime.

Mr. PRENTISS suggested, as an amendment, the substitution of confinement at hard labor for a term not more than twenty nor less than five years.

Mr. BUCHANAN denied that the infliction of death for treason was a departure from the principle he had quoted; on the contrary, treason involved murder on a most extensive scale.

Mr. TIPTON opposed the amendment. It was possible some juries might acquit, from reluctance to inflict capital punishment; but he thought the evil would, on the whole, be greater if it should be omitted in the law. It was merited by the crime, and would terrify where lesser punishment would have little impression.

Mr. SWIFT suggested to his colleague [Mr. PRENTISS] to modify the amendment, so as to extend the punishment to confinement for life; but Mr. P. declined. When the question being put, the amendment was rejected, by yeas and nays, as follows:

YEAS—Messrs. Brown, Buchanan, Crittenden, Moore, Niles, Prentiss, Robinson, Swift, Walker—9.

NAYS—Messrs. Benton, Black, Clayton, Cuthbert, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Nicholas, Page, Parker, Ruggles, Sevier, Strange, Tallmadge, Tipton, White, Wright—21.

Mr. BUCHANAN suggested a similar objection to punishing with death an accessary before the fact.

Mr. GRUNDY thought that, in a case like that of burning one of the Departments, the man who was the most deeply involved in guilt was not the individual who for hire actually set fire to the building, but those who employed him; and if the punishment of death should be commuted at all, it ought rather to be in favor of the actual incendiary, who might be an ignorant black, or a man tempted by poverty.

Mr. PARKER had voted to retain death in the bill, as a punishment to the incendiary; but he could not agree to extend it to accessaries. The criminal law in all countries made a distinction in the grade of punishment. The principle was laid down by the best writers, and was founded both in justice and policy.

Mr. GRUNDY referred to the common law, as in many cases knowing no such distinction; nor was it recognised by the laws of most of the States of this Union.

Mr. BUCHANAN deprecated all reference to the common law of England, which was literally a code of blood. As many as four hundred different offences were punishable with death in England. He hoped never to see such a system taken as a precedent by this country.

The amendment was rejected, as follows:

YEAS—Messrs. Brown, Buchanan, Crittenden, Knight, Moore, Niles, Page, Parker, Prentiss, Robinson, Walker—11.

NAYS—Messrs. Benton, Black, Clayton, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Ruggles, Sevier, Strange, Tallmadge, Tipton, White, Wright—17.

The bill was reported to the Senate, and the question being on its engrossment,

Mr. CLAYTON objected to the insertion of any limitation of time in reference to a crime of this magnitude. As murder, and treason, and arson, were exempted from the operation of the statute of limitations, the burning of public buildings of the United States ought to take the same course. He moved to amend the bill by inserting a clause to that effect; but it was rejected, as was also a motion of Mr. RUGGLES to strike out the second section, containing the limitation clauses; and the bill was ordered to be engrossed, as follows:

YEAS—Messrs. Benton, Black, Clayton, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Page, Ruggles, Sevier, Strange, Tallmadge, Tipton, White, Wright—18.

NAYS—Messrs. Brown, Buchanan, Crittenden, Moore, Niles, Parker, Prentiss, Robinson, Southard, Walker—10.

The Senate then adjourned.

TUESDAY, FEBRUARY 14.

CUMBERLAND ROAD.

On motion of Mr. HENDRICKS, the Senate proceeded to the consideration of the bill for the continuation of the Cumberland road in Ohio, Indiana, and Illinois.

Mr. NORVELL moved to amend the bill by annexing a provision for the construction of certain roads in Michigan.

After debate, by Messrs. TIPTON, NORVELL, YON, HENDRICKS, PRESTON, and EWING of Ohio, the amendment was lost: Yeas 9, nays 27.

Mr. CLAY, after a few remarks in favor of only grading the road, and against hastening its progress by the appointment of an extra number of agents and officers, moved to strike out the second and third sections of the bill, which provide for such appointments.

After debate, by Messrs. HENDRICKS, CLAY, and TIPTON,

Mr. TIPTON moved to amend the second section by requiring that the appointment of agents and officers by the President should be made by and with the consent of the Senate; which amendment prevailed.

Mr. EWING, of Ohio, moved to amend the second section by allowing each superintendent only two assistants, at a fixed compensation of three dollars per day for their services, instead of a salary in the discretion of the President or the Department. The amendments were adopted.

The question recurring on striking out the second and third sections of the bill, it was discussed by Messrs. PRESTON, HENDRICKS, and CLAY, and carried in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, Cuthbert, Kent, King of Alabama, King of Georgia, Knight, Lyon, McKean, Moore, Norvell, Parker, Prentiss, Preston, Rives, Southard, Spence, Strange, Swift, Tomlinson, Walker, White—26.

NAYS—Messrs. Benton, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Hubbard, Linn, Morris, Nicholas, Niles, Robbins, Robinson, Sevier, Tallmadge, Tipton, Wall, Wright—17.

Mr. CLAY moved to amend the bill by requiring that the road in Illinois should not be stoned or gravelled, unless at a cost not exceeding the average expense of doing it in Ohio and Indiana; which amendment, after debate by Messrs. EWING, of Illinois, and CLAY, was adopted.

Mr. PRESTON moved to amend the first section of the bill by reducing the appropriation for Indiana from $100,000 to $50,000, on the ground that $80,000 remained unexpended.

After debate, by Messrs. HENDRICKS, PRESTON, TIPTON, BENTON, WALKER, and CLAY,

Mr. NORVELL moved to lay the bill on the table; which motion was negatived, as follows:

YEAS—Messrs. Black, Brown, Calhoun, Hubbard, King of Alabama, King of Georgia, Lyon, Norvell, Parker, Prentiss, Preston, Ruggles, Strange, Walker, White—15.

NAYS—Messrs. Bayard, Benton, Clay, Clayton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Kent, Knight, Linn, Morris, Nicholas, Niles, Robbins, Robinson, Sevier, Southard, Spence, Swift, Tallmadge, Tipton, Wall, Wright—26.

The question on Mr. PRESTON's amendment was then tried, and decided in the affirmative, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, King of Alabama, King of Georgia, Lyon, Niles, Norvell, Parker, Prentiss, Preston, Rives, Ruggles, Southard, Spence, Strange, Swift, Walker, Wall, White—23.

NAYS—Messrs. Benton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Hubbard, Linn, Morris, Nicholas, Robbins, Robinson, Sevier, Tallmadge, Tipton, Wright—17.

Mr. PRESTON moved further to amend the bill by reducing the appropriation for Ohio from $290,000 to $90,000, the balance on hand being $100,000; which motion, after debate by Messrs. EWING of Ohio, PRESTON WALKER, ROBINSON, LINN, and NORVELL, was carried in the affirmative, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, Crittenden, Kent, King of Alabama, King of Georgia, Lyon, Moore, Niles, Norvell, Parker, Prentiss, Preston, Rives, Ruggles, Southard, Spence, Strange, Swift, Walker, Wall, White—26.

NAYS—Messrs. Benton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Hubbard, Knight, Linn, Morris, Mouton, Nicholas, Robbins, Robinson, Sevier, Tallmadge, Tipton, Wright—19.

Mr. PRESTON also moved to amend the bill by reducing the appropriation for Illinois, so that the whole amount to be expended would be $130,000; which motion prevailed, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, Kent, King of Alabama, King of Georgia, Lyon, Moore, Niles, Norvell, Parker, Prentiss, Preston, Rives, Ruggles, Southard, Spence, Strange, Swift, Walker, Wall, White—25.

NAYS—Messrs. Benton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Hubbard, Knight, Linn, Morris, Mouton, Nicholas, Robbins, Robinson, Sevier, Tallmadge, Tipton, Wright—18.

Mr. WALKER moved to amend the bill by adding, as a proviso to the first section, that no part of the money appropriated by the bill should be paid out of the Treasury of the United States, but out of the fund heretofore granted to Ohio, Indiana, and Illinois, for the purpose of the bill.

After debate, by Messrs. WALKER, NILES, and CLAY, the amendment was lost, by the following vote:

YEAS—Messrs. Black, Brown, Calhoun, King of Alabama, King of Georgia, Lyon, Moore, Norvell, Parker, Preston, Rives, Ruggles, Strange, Walker, Wall, White—16.

NAYS—Messrs. Bayard, Benton, Clay, Clayton, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Kent, Knight, Linn, Morris, Mouton, Nicholas, Niles, Robbins, Robinson, Sevier, Southard, Spence, Swift, Tallmadge, Tipton, Tomlinson, Wright—27.

Mr. NORVELL moved to amend the bill by striking out that portion of it which required the money to be repaid into the Treasury of the United States, from the fund granted to Ohio, Indiana, and Illinois, by the United States.

After a few remarks from Mr. CLAY, disapproving the provision proposed to be stricken out, as deceptive, the motion to strike out was carried in the affirmative, as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay, Clayton, Crittenden, Cuthbert, King of Alabama, King of Georgia, Lyon, Moore, Mouton, Norvell, Parker, Preston, Rives, Ruggles, Southard, Strange, Walker, White—22.

NAYS—Messrs. Benton, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Linn, Morris, Nicholas, Niles, Robinson, Sevier, Swift, Tallmadge, Tipton, Wright—16.

On motion of Mr. HENDRICKS, the provision in a former act, requiring a continuous construction of the road, was by this bill repealed.

The bill, with the amendments, was reported to the Senate.

Mr. EWING moved to amend the bill so as to appropriate $150,000 for Ohio, $125,000 for Indiana, and $100,000 for Illinois.

On motion of Mr. CALHOUN, and by consent, the message of the President received to-day, in relation to the seizure of slaves by the authorities of Bermuda, was, with the documents, ordered to be printed.

After a few remarks on Mr. EWING's amendment, by Messrs. BAYARD and PRESTON,

The Senate adjourned.

WEDNESDAY, FEBRUARY 15.

BURNING OF PUBLIC BUILDINGS.

The bill to alter and amend the act of 1790, for the punishment of certain crimes against the United States, being taken up--

Mr. PRENTISS said he was so much opposed, in principle, to the provisions of the bill, the punishment imposed by it appeared to him to be of so sanguinary a character, so much behind the spirit of the age, that he felt constrained to resist it, and record his name against it in every stage of its progress. The bill not only inflicts the punishment of death upon any person who shall maliciously burn, or procure, command, counsel, or advise any one to burn, any public building, but it contains no limitation upon the prosecution of the offence; so that a person may be arraigned and tried at any distance of time, however remote, when he may be wholly unable, by lapse of time, to avail himself of the testimony necessary for his defence. It was to be further observed that the bill was not confined to the burning of the public offices, containing the public records, but extended to the burning of any public building, such as an engine-house, a wood-house, or even a watch-house.

The punishment, under the existing laws, was confinement to hard labor, and but one instance of the commission of the offence had occurred in half a century. We were now about to change the law, and substitute the punishment of death for confinement at hard labor; and we were doing this at a time when England and many other Governments in Europe were engaged in reforming and ameliorating their criminal code. The bill put the offence on the same grade with murder and treason, the highest crimes known to law.

The object of punishment was the prevention of crime; and all experience showed that the certainty of punishment was much more effectual than the severity of punishment in the prevention of crime. The burning of a public building was undoubtedly a very high offence, but it was well known that the difficulty of conviction was always increased in proportion as the punishment was aggravated. If there was absolute certainty in human testimony, the objection to the bill might not be so strong; but the reverse was true, for the history of criminal trials showed that many innocent persons had been convicted and executed. Mr. P. was opposed to the bill on the great principles of justice and humanity; he was opposed to it as destroying all just distinctions between crimes, as inflicting a punishment vastly disproportionate to the offence, and altogether inconsistent with the general spirit of our criminal code; and he felt compelled to ask for the yeas and nays.

The bill was then passed, by the following vote:

YEAS--Messrs. Bayard, Benton, Black, Clay, Clayton, Cuthbert, Dana, Ewing of Ohio, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Morris, Mouton, Nicholas, Norvell, Page, Preston, Robbins, Ruggles, Sevier, Strange, Tallmadge, Tipton, White, Wright--29.

NAYS--Messrs. Buchanan, Davis, Ewing of Illinois, Hendricks, Kent, McKean, Moore, Niles, Parker, Prentiss, Rives, Robinson, Southard, Swift, Walker, Wall, Webster--17.

TRADE WITH BELGIUM.

The bill respecting the discriminating duties on Dutch and Belgian vessels and their cargoes coming up on its passage--

Mr. BUCHANAN said that, when this bill was before the Senate yesterday, he had promised to ascertain from the Department the comparative state of the Dutch and American tonnage, as employed in the Holland trade during the past year. He had done so; and it appeared from the result that the amount of Dutch tonnage was increasing rapidly on the American. He did not know whether this was owing to the discriminating duty imposed by the Dutch Government in favor of their own vessels in Dutch ports, or not; but if such was the fact, then the provisions of the act of 1824 should be promptly applied by the Executive. Mr. B. then read the following statement:

In the year 1834, the amount of American tonnage in this trade was (in round numbers) 17,000 tons.

In 1835, - - -	15,000
In 1836, - - -	8,500

while the amounts of Dutch tonnage, on the contrary, had proportionably diminished.

In 1834, the Dutch tonnage was	1,651 tons.
In 1835, - - -	3,058
In 1836, - - -	5,401

Mr. CLAY said that, when we saw, for three successive years, a regular diminution of American tonnage, and a regular increase of the competing foreign tonnage, there could be no doubt that both results proceeded from a common cause. The act of 1824 proceeded on the principle of entire and perfect reciprocity. That principle had been departed from by the Government of Holland, while Belgium was in union with Holland. There was much reason to believe that the present relative condition of the navigation of America and of Holland was the result of that departure. Under those circumstances, it seemed that, though the Senate could not well refuse to pass the present bill, which did nothing but put Holland and Belgium on the same footing, the Executive was bound to enforce the provisions of the act of 1824 to both Governments. He trusted this would be done.

Mr. DAVIS, who had not been present when the bill was introduced, was desirous that the bill should lie over for one day, in order that he might have an opportunity to look a little into the returns stating the existing condition of the trade, with a view of judging of the true cause of the present state of things. Possibly this act might be construed as an evidence that this Government was prepared to extend the relaxation of the provisions of the act of 1824, though he was very sure the Senator who introduced the bill had no such intention.

Mr. BUCHANAN concurred in the views expressed by the Senator from Kentucky, and explained that the proviso in this bill had been introduced with an express view to enable the President to apply the provisions of the act of 1824 to both Holland and Belgium.

Mr. CUTHBERT contended that the true standard by which to judge of the existing indulgence to Holland was not the immediate effect of it on the comparative navigation of the two countries, but its effect as an example and a precedent, which was likely to induce other nations to pursue the same course which had been adopted by the Dutch Government.

The question was then taken, and the bill was passed.

CUMBERLAND ROAD.

The Senate proceeded to the further consideration of the bill to continue the Cumberland road in the States of Ohio, Indiana, and Illinois.

On motion of Mr. CLAY, the appropriations were so amended as to allow Ohio $190,000 in addition to the unexpended balance, Indiana $100,000, and Illinois $100,000; making an aggregate of $390,000, besides unexpended balances.

The remaining amendments, made as in Committee of the Whole, were severally considered, and, after a re-

newal of the former discussions, were adopted in Senate.

On motion of Mr. CLAY, the bill was further amended by adding a proviso to the end of the first section, requiring that the construction of the road should be let out, in suitable sections, after due notice, to the lowest bidders.

Mr. WALKER moved to amend the third section of the bill by inserting a disclaimer of the faith of Government being pledged by this bill to do any thing further in the construction or repair of the Cumberland road.

After debate, the amendment was lost, as follows:

YEAS—Messrs. Black, Brown, Calhoun, Hubbard, King of Alabama, King of Georgia, Lyon, Moore, Norvell, Page, Parker, Preston, Rives, Strange, Walker, Wall, White—17.

NAYS—Messrs. Benton, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Kent, Knight, Linn, Morris, Robbins, Robinson, Sevier, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wright—23.

The bill was then ordered to be engrossed for a third reading, by yeas and nays, on the call of Mr. NORVELL, as follows:

YEAS—Messrs. Benton, Buchanan, Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Kent, Knight, Linn, Morris, Nicholas, Niles, Page, Robbins, Ruggles, Sevier, Southard, Spence, Swift, Tallmadge, Tipton, Wright—25.

NAYS—Messrs. Black, Brown, Calhoun, Clayton, Hubbard, King of Alabama, King of Georgia, Lyon, Moore, Norvell, Parker, Prentiss, Preston, Rives, Strange, Walker, Wall, White—18.

PAY OF VOLUNTEERS.

On motion of Mr. CRITTENDEN, the Senate proceeded to consider the bill to make compensation to the Kentucky and Tennessee volunteers, who were discharged without being called into service.

Mr. BENTON moved to amend the bill by allowing the above volunteers one month's pay.

Mr. WHITE moved to amend this amendment by striking out one month, and inserting three months.

After debate, by Messrs. PRESTON, CRITTENDEN, GRUNDY, WHITE, and WRIGHT, Mr. WHITE's amendment was tried and lost.

The amendment of Mr. BENTON, allowing one month's pay, was then carried, without a division.

On motions of Messrs. MOORE and WALKER, the names of Alabama and Mississippi were annexed to those of Kentucky and Tennessee in the bill.

Mr. CRITTENDEN moved further to amend the bill by confining the compensation to those volunteers whose services were accepted. Carried: Ayes 18, noes 10.

The bill, with the amendments, was then ordered to be engrossed for a third reading.

The Senate adjourned.

THURSDAY, FEBRUARY 16.

INCREASE OF THE ARMY.

The bill to increase the military establishment of the United States being at its third reading, and the question being on its passage—

Mr. SOUTHARD demanded the yeas and nays, and they were ordered by the Senate.

Mr. CALHOUN addressed the Senate at length in opposition to the bill, not, however, as he said, with the least hope of preventing its passage; there was money in the Treasury, and it must be spent; and this he knew would prove, with many gentlemen, a reason why the bill must pass. Yet, bearing a certain relation to this branch of our establishment, he felt called upon to say a few words, and they should be very few. He could not assent to the bill. The object it proposed was useless, and a good deal more than useless. The bill proposed to increase our existing military establishment, as a peace establishment, too, by the addition of 5,500 men, making the aggregate amount of the army over 12,000 men, and augmenting the expense of its maintenance by a million and a half or two millions of dollars. Was this necessary? He contended that it was not, and that there never was a time when there was so little necessity for a measure of this character. Abroad we were at peace with all the world; and as to Mexico, he believed no gentleman seriously contemplated that we were to go to war with her. Never had there been a time when so little force was necessary to put our Indian relations upon the safest footing. Our Indian frontier had, within a few years, been contracted to one half its former dimensions. It had formerly reached from Detroit all the way round to the mouth of the St. Mary's, in Georgia; whereas, at present, its utmost extent was from St. Peter's to the Red river. To guard this frontier, the Government had nine regiments of artillery, seven of infantry, and two of dragoons. He would submit to every one to say whether such a line could not be amply defended by such a force. Supposing one regiment to be stationed at St. Louis, and another at Baton Rouge, there still remained seven regiments to be extended from St. Peter's to Red river. Supposing one of them to be stationed at St. Peter's, one upon the Missouri, one in Arkansas, and one upon the Red river, there were still three left at the disposal of the Government. He contended that this force was not only sufficient, but ample. He should be told that there was a very large Indian force upon this frontier. That was very true. But the larger that force was, the more secure did it render our position; provided the Government appointed among them faithful Indian agents, who enjoyed their confidence, and who would be sustained by the Government in measures for their benefit. Of what did this vast Indian force consist? In the first place, there were the Choctaws, who had removed beyond the Mississippi with their own consent; a people always friendly to this Government, and whose boast it was that they had never shed, in a hostile manner, one drop of the white man's blood. Their friendship was moreover secured by heavy annuities, which must at once be forfeited by any hostile movement. Whenever this was the case, the Government possessed complete control, by the strong consideration of interest. Next came the friendly Creeks, who had all gone voluntarily to the west bank of the river. Then came the friendly Cherokees, who had done the same thing; and next the Chickasaws, whom we also held by heavy annuities. All this vast body of Indians were friendly toward the United States, save a little branch of the Creeks; and it would be easy for any prudent administration, by selecting proper agents, and sustaining them in wise measures, to keep the whole of these people peaceable and in friendship with this Government, and they would prove an effectual barrier against the incursions of the wild Indians in the prairies beyond. But to increase largely our military force would be the most certain means of provoking a war, especially if improper agents were sent among them—political partisans and selfish land speculators. Men of this cast would be the more bold in their measures, the more troops were ready to sustain them; every body knew that Indian force, when fairly opposed to white in the field, was as nothing. Where there were no swamps and fastnesses, but they had to contend in the open field, they were not more formidable than buffalo.

Now, they were congregated in a high, dry, prairie country, and in a country of that description, opposed to horse or artillery, they could do nothing.

Mr. C. then proceeded to denounce the bill as a measure

of extravagance, designed chiefly to expend the money in the Treasury for objects not only unnecessary but pernicious. He went into some general observations on the corrupting tendency of the present course of policy, and then observed that every change that had been made in the army had gone to destroy its *morale*. He had not the least confidence that the proper *matériel* would be selected in the bestowment of the many prizes which this bill proposed to create. All must remember what had been the history of the regiment of dragoons in this respect. Who had been appointed to command in that corps? In many instances cadets who had been discharged for misconduct in the Military Academy. Persons of this cast had been set over those who had gone through the whole course in that institution in a manner most highly creditable. The effect had been demoralizing, and he feared that the results of this bill would prove still more so. Mr. C. then proceeded in a course of general objection to all measures calculated to increase the powers of the General Government; dwelt on the central tendency of our system; the necessity of diminishing and generalizing the action of this Government, as our population increased. He compared the Government to a partnership. While there were but few partners, the regulations might be minute and particular; but when they were numerous, and amounted to hundreds, the system must be more general.

Our chief arm of defence was the navy. This was exterior in its character, and less dangerous on the ground of patronage; and it would be his policy to increase this arm of the national force, and to render it respectable in the eyes of foreign nations. Then, this Government needed a sound Judiciary and a well-regulated Post Office; and beyond this he would not advance one inch. He concluded by remarks of a general character on the state of the Treasury, and the determination to expend the surplus, that it might not be returned to the people.

Mr. BENTON replied to the Senator from South Carolina, [Mr. CALHOUN,] and congratulated himself on the easy task which he had to perform in answering all his objections to this bill; for he had nothing to do but to bring the gentleman who was Secretary at War under Mr. Monroe's administration, to answer the gentleman who was now Senator in Congress from the State of South Carolina. The quondam Secretary would answer the Senator most completely; and to enable the Senate to make the full application of what he should read, he would first remind them of the circumstances under which the former Secretary at War had made the report, which was now to be produced as an answer to the Senator's speech.

It would be remembered, (said Mr. B.,) that at the close of the late war with Great Britain, the war establishment of the army was reduced to a peace establishment, and that this peace establishment was still further reduced in 1821, when the Treasury, from a dream of inexhaustible surplus revenue in which it had been indulging for a few years, was suddenly waked up to the reality of empty coffers, unavailable funds, and unreliable resources. The aggregate of the peace establishment of 1815 was 12,656. In the year 1818 it was proposed in Congress to reduce that number; and to enable members to act with full information on the subject, the Secretary of War, then happening to be the present Senator from South Carolina now objecting to this bill, was called upon to report whether, with safety to the public service, any reduction could be made, either in the rank and file of the army, or in the general staff, or in the expense of the establishment itself. The Secretary answered upon all three points; and it so happens that he has spoken to the same three points this day. He has objected to this bill because it increases the rank and file, because it increases the general staff, and because it increases the expense of the army. It also further so happens that his report and his speech are not only on the same subject, but actually on the same measure! for the peace establishment of 1815 was authorized by a law which retained a force of 12,656 men; and this bill is to raise the present force of the army to about 12,500. The two establishments, then, are practically the same; the object of the present bill is to revive the establishment of 1815, with some diminution in the general staff, but, as establishments, they may be considered as the same. The Senator from South Carolina [Mr. CALHOUN] opposes the present increase, and opposes it in all its branches—rank and file, general staff, and expense; and he opposes it upon all the grounds which can be assumed against a standing army in time of peace—unnecessary, unwise, dangerous, contrary to republican maxims, only tending to expend public money without public advantage, alarmingly increasing the patronage of the Government, multiplying the sources of corruption, and endangering all that is dear in the eyes of the patriot, the sage, and the statesman, and preventing a distribution of the surplus. Very good, (said Mr. B.) Fine charges, these, against the 12,500 men proposed to be re-established by this bill! Let us see how they will be answered in a report in defence of the same establishment, when in fact they were 12,656; and when the population of the country was only half what it now is, and its frontier much less; for Florida was not then acquired.

Mr. B. then read:

"In compliance with a resolution of the House of Representatives, passed the 17th of April last, (1818,) directing the Secretary of War to 'report, at an early period of the next session of Congress, whether any, and, if any, what reduction may be made in the military peace establishment of the United States with safety to the public service,' &c., I have the honor to submit the following report:

"Pursuing the subject in the order in which it has been stated, the first question which offers itself for consideration is, whether our military establishment can be reduced with safety to the public service, or can its expenditures be with propriety reduced, by reducing the army itself. * * * * * *

"The military establishments of 1802 and 1808 have been admitted, almost universally, to be sufficiently small. The latter, it is true, received an enlargement from the uncertain state of our foreign relations at that time; but the former was established at a period of profound quiet, (the commencement of Mr. Jefferson's administration,) and was professedly reduced, with a view to economy, to the smallest number then supposed to be consistent with the public safety. Assuming these as a standard, and comparing the present establishment with them, and taking into comparison the increase of the country, a satisfactory opinion may be formed on a subject which might otherwise admit of a great diversity of opinion. * * Our military peace establishment is limited, by the act of 1815, passed at the termination of the late war, at 10,000 men. The corps of engineers and of ordnance, by that and a subsequent act, were retained as they then existed; and the President was directed to constitute the establishment of such portions of artillery, infantry, and riflemen, as he might judge proper. The general orders of the 17th of May, 1815, fix the artillery at 3,200; the light artillery at 660; the infantry 5,440; and the rifle 660 privates and matrosses. Document A exhibits a statement of the military establishment, including the general staff, as at present organized; and B exhibits a similar view of those of 1802 and 1808; by a reference to which it will appear that our military establishments, at the respective

periods, taken in the order of their dates, present an aggregate of 3,323, 9,996, and 12,656. It is obvious that the establishment of 1808, compared with the then population and wealth of the country, the number and extent of military posts, is larger in proportion than the present; but the unsettled state of our relations with France and England at that period renders the comparison not entirely just. Passing, then, that of 1808, let us compare the establishment of 1802 with the present. To form a correct comparison, it will be necessary to compare the capacity and necessities of the country then with those of the present time. Since that period our population has nearly doubled, and our wealth more than doubled. We have added Louisiana to our possessions, and with it a great extent of frontier, both maritime and inland. With the extension of our frontier, and the increase of our commercial cities, our military posts and fortifications have been greatly multiplied. * * * If, then, the military establishment of 1802 be assumed to be as small as was then consistent with the safety of the country, our present establishment, when we take into the comparison the prodigious increase of wealth, population, extent of territory, number and distance of military posts, cannot be pronounced extravagant; but, on the contrary, after a fair and full comparison, that of the former period must, in proportion to the necessities and capacity of the country, be admitted to be quite as large as the present; and, on the assumption that the establishment of 1802 was as small as the public safety would then admit, a reduction of the expense of our present establishment cannot be made, with safety to the public service, by reducing the army. In coming to this conclusion, I have not overlooked the maxim that a large standing army is dangerous to the liberty of the country, and that our ultimate reliance for defence ought to be on the militia. * * To consider the present army as dangerous to our liberty partakes, it is conceived, more of timidity than wisdom. * * * * *

"The staff, as organized by the act of the last session, combines simplicity with efficiency, and is considered to be superior to that of the periods to which I have reference. In estimating the expenses of the army, and particularly that of the staff, the two most expensive branches of it (the engineer and ordnance departments) ought not fairly to be included. Their duties are connected with the permanent preparation and defence of the country, and have so little reference to the existing military establishment, that if the army were reduced to a single regiment, no reduction could safely be made in either of them. To form a correct estimate of the duties of the other branches of the staff, and consequently the number of officers required, we must take into consideration not only the number of the troops, and, consequently, the number of officers required, but, what is equally essential, the number of posts and extent of country which they occupy. Were our military establishment reduced one half, it is obvious that, if the same posts continued to be occupied which now are, the same number of officers in the quartermaster's, commissary's, paymaster's, medical, and adjutant and inspector general's departments would be required.

"To compare, then, as it is sometimes done, our staff with those of European armies assembled in large bodies, is manifestly unfair. The act of the last session, it is believed, has made all the reduction which ought to be attempted. It has rendered the staff efficient, without making it expensive. Such a staff is not only indispensable to the efficiency of the army, but is also necessary to a proper economy of its disbursements; and should an attempt be made at retrenchment, by reducing the present number, it would, in its consequences, probably prove wasteful and extravagant.

"In fact, no part of our military organization requires more attention in peace than the general staff. It is in every service invariably the last in attaining perfection; and, if neglected in peace, when there is leisure, it will be impossible, in the midst of the hurry and bustle of war, to bring it to perfection. It is in peace that it should receive a perfect organization, and that the officers should be trained to method and punctuality; so that, at the commencement of a war, instead of creating anew, nothing more should be necessary than to give to it the necessary enlargement. In this country, particularly, the staff cannot be neglected with impunity. Difficult as its operations are in actual service every where, it has here to encounter great and peculiar impediments, from the extent of the country, the badness and frequently the want of roads, and the sudden and unexpected calls which are often made on the militia. If it could be shown that the staff, in its present extent, was not necessary in peace, it would, with the view taken, be unwise to lop off any of its branches which would be necessary in actual service. With a defective staff, we must carry on our military operations under great disadvantages, and be exposed, particularly at the commencement of a war, to great losses, embarrassments, and disasters. * * * * *

"The next question which presents itself for consideration is, can the expenses of our military establishment be reduced without injury to the public service, by reducing the pay and emoluments of the officers and soldiers? There is no class in the community whose compensation has advanced less, since the termination of the war of the Revolution, than that of the officers and soldiers of our army. While money has depreciated more rapidly than at any other period, and the price of all the necessaries of life has advanced proportionably, their compensation has remained nearly stationary. The effects are severely felt by the subaltern officers. It requires the most rigid economy for them to subsist on their pay and emoluments. Documents marked F and G exhibit the pay and subsistence during the Revolution and as at present established; and document marked H exhibits the allowance of clothing, fuel, forage, transportation, quarters, waiters, stationery, and straw, at the termination of the revolutionary war, and in 1802, 1815, and 1818. By a reference to those documents it will be seen that, under most of the heads, the variations of the different periods have been very small, and that, on a comparison of the whole, the pay of an officer is not near equal now (if allowance is made for the depreciation of money) to what it was during the Revolution. I will abstain from further remarks, as it must be obvious, from these statements, that the expense of our military establishment cannot be materially reduced without injury to the public service, by reducing the pay and emoluments of the officers and soldiers."

Having read these extracts from the report of the then Secretary at War, and now Senator from South Carolina, [Mr. CALHOUN,] Mr. B. said that every word of it applied with double force in favor of the bill which that Senator was now opposing. Every reason which he gave against reducing the military establishment in 1818 applies with double force in favor of raising it now to what it was then. That report was then sanctioned by Congress. It prevented the reduction of the army. Not a man was reduced at that time, nor for three years afterwards, nor until the exhausted state of the Treasury compelled reductions of expense at all practicable points, and included the army in the objects on which retrenchment fell. The report prevented the reduction in 1818; the emptiness of the Treasury caused the reduction in 1821; and now, when the Treasury is full again, and when the wants of the service are so urgent for an increased force, and

when experience has proved the mischiefs resulting from the reduction, surely the sound arguments in the report ought to have their full weight in re-establishing the military force at what it then was. Mr. B. said that he had not read this report for the purpose of showing inconsistency in the Senator from South Carolina; that would be a small business for him to engage in, and a business which he had never followed. He had read it for the sound arguments which it contained, and in answer to the unsound arguments, as he conceived them to be, which the author of the report, in his present capacity of Senator, had used against the bill now depending, to raise the strength of the army to what it then was. He had read it for the argument; and if a show of inconsistency resulted, it was an incident, and not an object, of the reading. He repeated, he had read it for the argument; and must be permitted to insist that what was a good argument against reducing the army below 12,656 in 1818, was a far better argument in favor of raising it to about 12,000 now. The reasons were far stronger in favor of that number now than then. In the first place, the extent of our frontier line is greatly increased since that time. Florida has been since acquired, and has given a great extent of frontier; for, being a peninsula in one part, and stretching along the Gulf and Atlantic coast on two sides, it is all frontier, and susceptible only of a thin population, and requires more defence than any other of equal extent, either in our own country or any country upon the globe. With Florida came the islands Key West, the Dry Tortugas, and others, all requiring forts and garrisons. In the next place, the number of our fortifications and military posts has greatly increased since 1818, and requires an increased force to man them. In the third place, the whole Indian population of the United States are now accumulated on the weakest frontier of the Union—the Western, and Southwestern, and Northwestern frontier—and they are not only accumulated there, but sent there smarting with the lash of recent chastisement, burning with revenge for recent defeats, completely armed by the United States, and placed in communication with the wild Indians of the West, the numerous and fierce tribes towards Mexico, the Rocky Mountains, and the Northwest, who have never felt our arms, and who will be ready to join in any inroad upon our frontiers. In the fourth place, experience has shown that the present army is too small—that the then Secretary at War was right in 1818, in saying that it could not be reduced with safety to the country. The Secretary of 1818 was right in this opinion. The country has suffered vastly from it; it has suffered in lives, property, and money. The Black Hawk war, which cost three millions of money, many lives, and the breaking up of the Illinois frontier, took place because the force on the upper Mississippi was too small to command the respect of the Indians. The Florida war, which has cost seven millions of money, occasioned the loss of so many lives, and the devastation of four counties, would never have taken place if an adequate force had been in that quarter. The massacre of families, and the devastation of farms and plantations, which took place in Georgia and Alabama last summer, were the fruit of our small military establishment. Mr. B. did not undertake to say that the Indians, in all these instances, did not believe that they had some grievances to complain of, and for which they were entitled to redress; but what he did mean to say was this: that if we had possessed a military force to have been respected by them, they would have left the redress of these grievances to the Government of the United States, as they ought to have done, instead of taking vengeance into their own hands, and executing it, not upon those of whom they complained, but against innocent persons—against the women and children even, who could do them no wrong. In the fifth place, Mr. B. said the country was twice as populous and twice as wealthy now as it was in 1818, and therefore required a larger military establishment now than then. For these reasons, Mr. B. insisted that the report from which he had read was far stronger in favor of raising the military establishment to about 12,000 now, than it was against reducing it below that number at the time it was made. Add to this the pertinent remark, so often made by the then Secretary of War in the report of 1818, that 12,000 men was less—the increase of territory, wealth, and population, considered—than the peace establishment of Mr. Jefferson was in 1802. An establishment now, in proportion to that, would exceed 20,000 men.

Mr. B. having shown how cogently the report of 1818 applied in favor of raising the strength of the army to the number proposed in the bill, would also show that it was equally cogent in favor of raising the general staff. He remarked that the reduction of 1821 fell upon two branches of the establishment—upon the rank and file and on the general staff. Begging the Senate to recollect and well to consider all that was said in the report of 1818 in favor of keeping up a numerous and efficient staff, and the opinion so fully and elaborately given that the staff of that period was as small in number as the public service would permit, Mr. B. would first state, in general, and then show in detail, that the general staff, as proposed to be increased in this bill, was still considerably below that of 1818; and, consequently, that the objections to reduction, made at that time, applied with infinitely more force in favor of augmentation now. The general staff was reduced almost to nothing in 1821; it was almost abolished; and the consequence has been an immense injury to the public service. It is now proposed to raise it, but not to raise it so high as it was before the reduction; and to this augmentation the Senator from South Carolina [Mr. CALHOUN] vehemently objects. Without reading over again that part of his report of 1818 which applied to this branch of the reduction, Mr. B. would show that the augmentation now proposed was far below that which he then so elaborately eulogized, so completely demonstrated to be necessary, and so triumphantly rescued from reduction or diminution.

Mr. B. then proceeded to show, in detail, that the general staff was greater in 1818 than it was proposed to be made by the pending bill. Beginning with the adjutant general's and inspector general's departments, he said that they consisted of thirteen officers in 1818, of three now, and that this proposed to add eight, making eleven. The quartermaster general's department consisted of nineteen officers in 1818, of five now, and the bill proposed to add twelve, making in the whole seventeen. The engineers proper, and the topographical engineers, Mr. B. said, were nominally increased, but in reality not; for the act of 1824, which allowed the President to employ an unlimited number of civil engineers, and under which a great number were constantly employed, was to be repealed by a section of this bill, so that the discontinuance of those now employed under that act would be equal, or superior, to the contemplated additions. In the ordnance department, Mr. B. said there were forty-four officers in 1818, but fourteen now, and only twenty-two were proposed to be added, making in the whole thirty-six, and being eight less than in 1818. Mr. B. had gone over this comparative state of numbers, both in the line and in the general staff, for the purpose of showing to the Senator from South Carolina [Mr. CALHOUN] that the aggregate of the army would be no greater under this bill than it was in 1818, when he so nobly and efficiently defended it, and that the general staff would still be less than it was at that time, and

when he so well argued, as subsequent events had proved, that it could not be reduced without inflicting injury upon the public service. This, he thought, ought to be a sufficient answer to that Senator's present objections. If they were not, and if the Secretary at War under Mr. Monroe's administration was not able to contend successfully with the present Senator from South Carolina, he would introduce into this debate another gentleman, and claim the right of his opinions in aid of the quondam Secretary; it was a gentleman who was a Representative in Congress from the State of South Carolina during the late war, and for a year or two after it; and who, at the close of the war, was in favor of the military peace establishment of twenty thousand men recommended by Mr. Monroe, and of the fifteen thousand voted by the Senate, and who then repelled, rebuked, and scouted in terms of indignation, such doctrines as the Senator from South Carolina has this day held. This is an extract from one of the speeches on this subject which that gentleman then made:

"As a proof, said Mr. CALHOUN, that the situation of the country naturally inclines us to too much feebleness rather than to too much violence, I refer to the fact that there are on this floor men who are entirely opposed to armies, to navies, to every means of defence. Sir, if their politics prevail, the country will be disarmed, at the mercy of any foreign Power. On the other side, sir, there is no excess of military fervor, no party inclining to military despotism; for though a charge of such a disposition has been made by a gentleman in debate, it is without the shadow of foundation. What is the fact in regard to the army? Does it bear out his assertion? Is it even proportionally larger now than it was in 1801-'2, the period which the gentleman considers the standard of political perfection? It was then about 4,000 men; it was larger in proportion than an army of 10,000 would now be. The charge of a disposition to make this a military Government exists only in the imaginations of gentlemen; it cannot be supported by facts; it is contrary to proof and to evidence."

To complete this branch of his argument, (this *argumentum ad hominem*, as the logicians called it,) the argument to the man, and in which he (Mr. B.) never indulged unless extorted from him, he would cite another passage from the speech of the Representative from South Carolina in the House of Representatives in 1816, in which that Representative went for national defence generally, and for fortifications especially, and carried his patriotic zeal so far as to pronounce any future administration, which should neglect these defences, entitled to the "execration of the country!" Hear him:

"There was another point of preparation which (Mr. CALHOUN said) ought not to be overlooked: the defence of our coast by means other than the navy, on which we ought to rely mainly, but not entirely. The coast is our weak part, which ought to be rendered strong, if it be in our power to make it so. There are two points on our coast particularly weak—the mouth of the Mississippi and the Chesapeake bay--which ought to be cautiously attended to; not, however, neglecting others. The administration which leaves these two points in another war without fortification ought to receive the execration of the country. Look at the facility afforded by the Chesapeake bay to maritime Powers in attacking us. If we estimate with it the margin of rivers navigable for vessels of war, it adds fourteen hundred miles at least to the line of our seacoast, and that of the worst character; for when an enemy is there, it is without the fear of being driven from it; he has, besides, the power of assaulting two shores at the same time, and must be expected on both. Under such circumstances, no degree of expense would be too great for its defence. The whole margin of the bay is, besides, an extremely sickly one, and fatal to the militia of the upper country. How it is to be defended, military and naval men will best judge; but I believe that steam frigates ought, at least, to constitute a part of the means; the expense of which, however great, the people ought, and would cheerfully bear."

Mr. B. commended this paragraph from the speech of the South Carolina Representative in 1816, in favor of fortifications, even at the expense of taxes, to the favorable attention of the Senator from South Carolina, who now opposes a bill for fortifications, even in the Chesapeake bay, while the Treasury is stuffed, crammed, gorged, and distended, with money, for which we can find no constitutional object of expenditure. It was a pity the present Senator from South Carolina was not on more intimate terms at present with the quondam Secretary at War and Representative. It would certainly put him on better terms with the administration of President Jackson, which was now doing, in despite of the opposition of the present Senator, the things which the former Secretary and Representative most nobly advocated, and for the possible omission of which the execrations of the country were imprecated in advance!

Mr. B., having finished the *argumentum ad hominem*, would next have recourse to the *argumentum ad judicium*—the argument to the judgment--and hoped to convince the Senate that all the provisions in the bill were necessary and proper in themselves, and deserved to be passed into law. He said it had been already observed that the great reduction of the military establishment in 1821 fell upon two branches of the army, namely, the rank and file and the general staff. No diminution in the number of the regiments or in the number of the officers of the line had been made; but, by stripping the regiments of men, and nearly abolishing the general staff, a skeleton establishment had been produced, extorted by the exhausted state of our finances in 1821, and ready to be filled up when the finances were restored, and the public service required. Both these contingencies have now happened. The finances are restored, and the public service imperiously requires the skeleton regiments to be filled up, and the abolished staff to be recreated. The present strength of the army was wholly inadequate to the guarding and manning of the posts and forts stretched along a circumference of nine thousand miles of frontier; much less to repel incursions or to suppress the hostilities of the Indians. At every alarm, heavy drafts, at great expense, were made upon the militia and volunteers of the States; at every breaking out of hostilities, large bodies of these troops were called into the field. During the past year, not less than twenty-six thousand militia and volunteers, mostly mounted men, had been mustered into service. A regiment of Arkansas volunteers are now doing garrison duty on the frontiers of that State. If this bill is not passed, annual and perpetual calls must be made on the militia and volunteers, to supply the defect of the regular troops. The expense of a full establishment, and far more than that expense, would be incurred. A proper sense of economy alone would require the regiments to be filled up. Mr. B. said it was in vain, and looked a little like the use of the *argumentum ad ignorantiam*—an argument founded on the supposed ignorance of the hearers—for the Senator from South Carolina, [Mr. CALHOUN,] who had once presided over the Military Department, to undertake to frighten the Senate with an array of 12,000 men. Every person slightly acquainted with the nature of an army will know that 12,000 men on paper is not more than 8,000 or 9,000 in the field; that from the rapid succession of casualties—deaths, desertions, sickness, accidents, expirations of enlistments—the actual force is always one third or one fourth less than the authorized force; and that, to obtain the services of a

given number, a considerably larger number must always be authorized. Thus it is at present. The aggregate force now allowed by law is near 8,000; yet the numerical force, on paper, at the last return, was only 6,233; and the actual available force for service was no more than 4,282. Thus, it is clear that an authorized establishment of 12,000 will not give more than an actual force of 8,000 or 9,000; and less than that number cannot possibly man and garrison our extended frontier--a frontier of 9,000 miles in circuit, without counting the doublings and indentations of the coasts. Of this vast circuit, the inland frontier, from the Gulf of Mexico to Lake Superior, along the boundary of Louisiana, Arkansas, Missouri, the Des Moines settlements, Wisconsin Territory, and the State of Michigan, would require an actual available force of 6,000 men; while the lake, maritime, and gulf coast would require 3,000 or 4,000 more; making 9,000 or 10,000 men for service, which an authorized establishment of no more than 12,000 can hardly ever give. Mr. B. repeated, we have regiments enough. Seven of infantry, four of artillery, two of dragoons, making thirteen in the whole, are enough. But these regiments, especially the artillery and infantry, are skeletons; and we want them filled up. Their companies are allowed but 42 men each, which gives for service in the field the ridiculous exhibition of 25 or 30 men for a captain to command! This bill proposes to raise the infantry and artillery companies to 100 men each, which would give for service the respectable strength of 70 or 80 men. Mr. B. dilated on the evils of the present small size of the companies. It was injurious to the discipline of the troops in time of peace, and fatal to themselves and disastrous to the country in time of war. To go no further for examples, the present Florida war presented numerous instances in which the war would probably have been terminated if the officers in command had had troops equal to their rank. Thus, Major Dade, instead of a major's command of four or five hundred men, with whom the devoted courage and discipline which he and his brave band displayed would have defeated a thousand Indians, had but a captain's command of one hundred; General Clinch, instead of a brigade, had half a battalion; Major Pierce, instead of a major's command, had a captain's; and so of other instances. Hence the disaster of Major Dade's devoted corps; hence the want of decisive results from General Clinch's brave combat on the Withlacoochie—from Major Pierce's gallant attack at Fort Drane—and from numerous other instances in which a handful of men fought bravely, performed heroic actions, and did all that courage and discipline could do, but were too few in numbers to reap the advantages of victory, even when victorious. The result of the whole has been, the death of many good soldiers, without adequate advantage to their country—the encouragement of the enemy—the protraction of the war—the call for numerous volunteers and militia—the incurring of an enormous expense--and the exposure of numerous families to massacre, with the devastation of counties and settlements entitled to the protection of this Government.

Mr. B. would conclude what he had to say on the subject of raising the rank and file of the infantry and artillery, with referring to the report of the Secretary of War *ad interim*, (Mr. Butler,) in which this measure is conclusively shown to be absolutely necessary:

"10. *Proposed increase in rank and file of artillery and infantry.*--In compliance with the suggestion of General Macomb, and with my own convictions of duty, I beg leave to invite your attention to a proposal for the increase of the rank and file of the artillery and infantry.

"The insufficiency, in several respects, of our present military establishment has already been noticed. It is greatest in the general staff and the rank and file; those arms of the service being much less numerous, in proportion, than the officers retained in the line of the army. The object of Congress in this arrangement evidently was, on the one hand, to reduce the rank and file and the general staff to the lowest allowable point; and, on the other, to retain in the line officers enough to preserve an amount of military knowledge and experience competent to the direction of a large effective force, whenever such a force might be required by special emergencies, or by the permanent interests of the country. This policy was recommended at the time of its adoption (1821) by the existence of other and more pressing claims on the Treasury, and by the comparatively few calls then made for active military operations. In both these respects our condition is now widely different. The extinction of the public debt, whilst it gives us the ability to attend to other subjects of national importance, lays us under new obligations to do so. We have a much larger number of fortifications and other posts to be garrisoned, and our Indian relations have now reached a point which demands an effective military provision.

"There are thirty-two forts on the Atlantic seaboard and the Gulf of Mexico, each of which ought to be garrisoned by a force adequate at least to the preservation of the public property, and to the retaining of some knowledge of artillery practice. This will require, as I understand, an average of about ninety-six men to each post, or about three thousand in the whole. The rank and file of the present regular army, supposing the new regiment of dragoons to be filled, amounts in the total to seven thousand and sixteen; from which number a large deduction must always be made for sickness, arrests, occasional absence, and time lost in recruiting and marching. The effective force, exclusive of officers, which may be relied on under the present arrangement, can therefore scarcely ever exceed six thousand men; a force utterly inadequate to the necessities of the public service, inasmuch as it affords, after the scanty provision for the seaboard above suggested, only about three thousand for the interior.

"In that part of this report which relates to Indian affairs, I shall have occasion to specify some of the weighty reasons which make it necessary that we should establish additional posts on our Western borders and in the Indian country, and that each should be permanently garrisoned by a respectable force. We have now in that region sixteen posts, including three temporary stations, the whole of which are now occupied by about three thousand men, including a regiment of Arkansas volunteers recently called into the service. All, probably, will agree that the present force at several of the existing posts is inadequate, and a deliberate survey of the immense field of operations, and the various interests involved, will, I think, lead to the conclusion that this branch of the service cannot safely be left, for the next five or ten years, with a force at any time less than from five to seven thousand men.

"The seaboard may be provided for in the manner above suggested, and adequate protection may be given to the interior and to the Indian country, by augmenting the number of men in each company of artillery and infantry to one hundred. This would increase the legal force, independently of commissioned officers and non-commissioned officers of artillery and infantry, to twelve thousand and thirty, from which we might at all times expect to command an available force of not more than about ten thousand effective men. Two plans for a similar increase in the rank and file of the army were submitted to Congress in the report of the Secretary of War of the 8th of March, 1836, and the accompanying communication of General Macomb of the 7th of that month, both of which communications were laid before the Senate of the United States, in compliance with a resolution

of that body. I refer to these documents for the details of those plans, and for an estimate of the expense, which, according to the statement then made, would be, for the increase above proposed, about $850,000 per annum. Such an addition to the heavy expenses of our present establishment should undoubtedly be well weighed before it is incurred; but, if we may judge from the experience of the last few years, the measure is as plainly called for on the score of economy as it is by other and more impressive considerations. The expenses occasioned by the hostile aggressions of the Sac and Fox Indians in 1832, amounted to more than $3,000,000; and the several appropriations for suppressing Indian hostilities, made by Congress at the last session, and amounting to five millions of dollars, have already been drawn from the Treasury; and, though a considerable amount is yet in the hands of disbursing officers, the whole will be required to meet expenses already incurred.

"If it be one of the first objects of legislation to guard against the evils of war, then must it be admitted that the prevention of Indian hostilities, so far as human foresight is competent to that end, should be the great care of the Congress of the United States. For, whilst our exposure to such hostilities is imminent, the evils which attend them are so peculiar and unmitigated as to bring on those public agents who may neglect to guard against them the most fearful responsibility. The presence of an adequate military force at or near each of the points where the Indians are numerous is the most effectual, if not the only effectual means of security and defence. In my judgment, such a force cannot be furnished by our present establishment; and, as neither militia nor volunteers can be employed for permanent garrisons, the object can only be effected by the increase of the regular army. I trust it will be provided for without delay."

Mr. B. further referred to the report of the Secretary at War *ad interim*, to show the deficiency of the general staff, the injury to the public service from that deficiency, and the necessity of increasing it. He referred to the following passages from his report:

"4. *General Staff.*—The reports of the chiefs of the different staff departments exhibit a perspicuous view of their operations during the past year.

"I beg leave to call your attention to the communication of the adjutant general, setting forth the difficulties which have been, and are yet, experienced in various branches of the public service, for the want of additional staff officers.

"The fiscal operations of the quartermaster's and subsistence departments have been unusually heavy, in consequence of the hostilities in which the army has been employed. It is due to these two important arms of the service that I should state that, from the time when adequate means were placed at their disposal by Congress, nothing has been omitted, on their part, to provide the necessary supplies for the troops in the field.

"The report of the acting quartermaster general states the progress made, or rather the inability to make progress, in the construction of the roads and other works with which the department is charged. It also exposes, in a lucid and convincing manner, the utter insufficiency of this branch of the service, as now organized by law, to the execution of the duties committed to it.

"The complaints made in the accompanying papers, as to the want of sufficient strength in the staff departments, appear to me to be well founded.

"The present system seems to have been framed upon the principle of concentrating the business of those departments at the seat of Government, and of employing therein a very small number of officers commissioned in the staff, the deficiencies being supplied by selections from the lines. This arrangement is very well adapted to a time of profound peace, when officers can be spared from the line without injury to the service; when the positions of the troops are chiefly permanent; and when the changes which occur are made with so much deliberation as to afford ample time for preparing adequate means of transportation and supply. But when large bodies of troops, whose numbers and movements may be varied by unforeseen contingencies, are to be supplied in the field, and at a great distance from the seat of Government, the system is worse than insufficient—it is the parent of expense, confusion, and delay. During the time necessarily occupied in the transmission of despatches to and of instructions from the War Department, the state of things may be so entirely changed as to render the instructions inapplicable; and, even if it remain unaltered, the loss of time in military operations is always a great evil, and sometimes a fatal one. To prevent inconveniences of this sort, it is evidently necessary that staff officers of experience and rank should be associated with the commander, and, to supply such associates, the staff departments must be enlarged. On the other hand, to make the line of the army truly effective, officers should not be taken for staff service, or other detached duties, in large numbers, nor for long periods, from their companies. And when, to relieve the weakness of the staff on a pressing contingency, officers are selected from the line, the difficulty, instead of being remedied, is only exchanged for a new and possibly a greater one. The embarrassments occasioned by these causes, during the operations of the year, have been of constant recurrence, and of the most serious character.

"Of the works authorized by acts passed at the last session of Congress, and belonging to the ordnance department, all have been greatly delayed, and some entirely suspended, by the want of the necessary officers to conduct them. The interests of the service, as well as the just claims of contractors, whose payments are frequently delayed from inability to make the proper inspections, call loudly for an increase of this corps."

Mr. B. also referred to the reports of the different officers at the head of different branches of the staff, and of the engineers, topographical engineers, and ordnance, to show the necessity of the augmentation proposed.

From Adjutant General Jones's report he read:

"It cannot be doubted that the public service has suffered, and continues to suffer, for want of an adequate staff for service in the field, and habitual duty with the troops. This has been demonstrated in our recent military operations; and the lamentable deficiency, both in number and of the proper description of staff officers, at every point where troops, whether regular or militia, have been concentrated or been put in motion, is too palpable, and ought not to be doubted by any whose duty it may be to know the wants and understand the true condition of the army. The military operations under Generals Gaines, Scott, Jesup, Clinch, Eustis, &c., and various official reports, show the destitute state of the service, as to the inadequacy of the adjutant general's, inspector's and quartermaster's departments of the staff in the field."

From the report of Major Cross he read as follows:

"Charged as I am but temporarily with the direction of the quartermaster's department, I feel restrained from making many suggestions in relation to it which would come with more propriety from its chief, now absent on a high and important command; but there are some that I cannot omit, consistently with a faithful discharge of the trust confided to me. The necessity for an improved organization of the department is one of them. This has been represented heretofore to your predecessor, and was, by him, brought before Congress at the last session. It is now my duty to repeat the suggestion, and to urge it with earnestness.

"There is, perhaps, no country, considering the relative force, where the duties of the quartermaster's department are so arduous as they are in our own, especially in conducting our Indian wars. It necessarily results from difference of circumstances. In highly improved and thickly settled countries, where the facilities of transportation are great, and the means of supply abundant, there cannot be much difficulty in moving and supporting armies; and even in our own country, on the Atlantic border, and on the great lines of communication in the West, where those advantages exist, the difficulty is comparatively small. But these are not the scenes of our Indian wars. They lie beyond the frontier, in the swamps and fastnesses of the wilderness, far removed from the sources of supply; and the heavy task of moving and sustaining our armies under these circumstances belongs to the quartermaster's department.

"Experience has shown that the present organization, both as to number and grades, was barely sufficient to meet the demands of the service ten years ago, when the army was measurably inactive. It is altogether inadequate now to a proper discharge of the heavy and important duties which devolve upon the department under present circumstances, when not merely the regular army, but large masses of volunteers and militia, are called into active service. During the present year, there have been four separate armies in the field, mustering from two to ten thousand men each, and operating under circumstances involving great difficulties in regard to transportation and supplies; and, considering our extensive and complicated Indian relations, a similar state of things will, in all probability, too often recur. If it be supposed that the present organization of the department, whose executive officers consist of but four majors, six captains, and fourteen lieutenants, drawn from the line, is equal to such an emergency, it is undoubtedly an error.

"Prior to the year 1818, there were division quartermaster generals, with the rank of colonel, who were executive officers, and attended the army in the field when occasions required. In my humble judgment, there has not been a period since the war of 1812, when the necessity of such officers was half so urgent as it is at the present time. There is now no executive officer whose rank is sufficient to give him precedence in his own department in a campaign; and the case has twice occurred recently, where the quartermaster general of a Territory, by virtue of his superior rank as colonel, became entitled to the chief direction of the operations of that department of the staff by whose agency the army was to be moved and supported—a duty second only in importance to the chief command. I submit whether it is right that the advantages of twenty years' experience in the details of the department should thus be measurably lost to the service for want of adequate rank to render it available."

From the report of General Gratiot, of the engineers, he read as follows:

"*Office of the Chief Engineer.*—The business of the office has been steadily increasing for many years, and is constantly augmented by the reference of new objects provided for at each succeeding session of Congress. An idea of this increase may be gathered from the fact that, in 1833, the whole amount of funds referred for application was $520,150, and which has regularly augmented up to the present time to $3,643,271 76. The duties of the clerks have consequently so increased that a proper record of transactions cannot be kept up, and the salary allowed, while much below that in other departments whose business, whether in magnitude or responsibility, is believed to be no greater, is not sufficient to remunerate them for their services, or to command such as either the interest or despatch of the public business requires.

"It will be seen, by the foregoing report of operations, that in many instances no provision could be made for applying certain appropriations to the objects intended, while, in others, the arrangements, though the best within the control of the department, were not such as could have been wished.

"The desire to fulfil the wishes of Congress led me to impose upon the officers of the department more duty than they can properly execute, and more, I am aware, than the interests of the separate works would authorize. However frequently and earnestly I have represented the impolicy of this course, I cannot refrain from bringing before you the propriety of adopting some measures, either to reduce the duties now devolved upon the department, or to enlarge its powers of action commensurate with the wants of the service. The reasons for such a step, drawn and substantiated by the annual history of operations, have been so often given that they need not now be repeated; and I will only add that, under the present organization of the corps of engineers, the wishes of Congress, so far as they depend upon this branch of the service, cannot be complied with, the public interest cannot be attended to, nor the defence of the country keep pace with the number of appropriations. Under these circumstances, I must again recommend that the number of clerks in the office be increased to seven, with salaries equal to those in the civil departments, and that the corps of engineers be doubled in its numbers."

Among the numerous and important objects committed to the engineer department at the last session of Congress, and which could not be attended to for want of officers, Mr. B. particularized the appropriation of $75,000 for increasing the depth of water in the mouth of the Mississippi, an object in which a great city, a number of States, and an immense commerce, were concerned, and which had to be deferred for want of officers to make a topographical survey.

From the report of Lieutenant Colonel Abert, of the topographical engineers, he read as follows:

"In conclusion, allow me again to call your attention to the organization and increase of the corps of topographical engineers.

"The subject has been so frequently brought to the notice of the Department and of Congress, and explanations of its advantages and necessity are stated in so much detail, in communications from this bureau as well as in a report from the Military Committee of the House of Representatives, that they leave nothing further to be said, or only in addition to refer to the facts detailed in this report, which prove the utter inability of the bureau to execute the duties assigned to it, under the various laws of Congress, without further aid. It may also be well to add, that the aid heretofore received from the army is now no longer to be obtained.

"The extreme inconvenience to which the army has been exposed from the system of military details for duties out of the line, not only during the Indian disturbances on our frontier, but for years before—a system, the parent of extravagance, confusion, and discontent, and which, even in its partial action, has (as events have proved) to be abandoned on every slight emergency—has induced the President to check it by a positive limitation of the number which can in any event be detailed for detached duty.

"Under the foregoing circumstances, it will be seen that there is no remedy but in a better organization of the corps.

"In relation to the organization, I will merely submit a copy of the bill which met the approbation of Congress in its last session, having passed the Senate twice, and having been three times reported to the House, and passed through a second reading there: once as a bill

from its own Military Committee, and twice in bills from the Senate."

From the report of Colonel Bomford, of the ordnance department, he read as follows:

"Diligent and strenuous efforts have been made to accomplish the various objects set forth in the laws of appropriation, passed during the last session of Congress, for the service of this department. But for want of officers to aid in conducting its operations, the works at Liberty, Missouri; Memphis, Tennessee; Little Rock, Arkansas; Baton Rouge, Louisiana; Fayetteville, North Carolina; Charleston, South Carolina; the magazine at the arsenal in Washington city; and the erection of the shot furnaces along the seacoast, have all been unavoidably delayed, and some of them suspended. A like inconvenience has been felt at the principal arsenals at Watervliet, Pittsburg, Washington city, and Watertown, where extensive operations are progressing, and unavoidably impeded by the want of the necessary and usual assistance of officers. The departments for the inspection of cannon and small arms and accoutrements are subject to the same inconvenience; the former being entirely suspended, and the latter progressing with difficulty, for the want of additional force.

"There is another and very serious inconvenience, which extends to every post of the department where there is but one officer, and more especially to those commanded by the chiefs of inspections. These officers, with other commanders of posts who are unaided by assistant officers, are frequently and unavoidably absent on business connected with the posts, or the inspection of cannon or small arms; and during those absences are obliged to leave their posts sometimes for many days without an officer, and in charge of irresponsible persons, wholly unacquainted with the various points (many of them matters of military science) connected with the business of the post, and which require daily and hourly decision. Such inexperienced persons, from want of the proper authority under the laws and regulations, are, in many cases, wholly incapable of acting; and where their delegated authority from the officer is sufficient, they must either decide as the cases arise, and most probably erroneously, or postpone action to the arrival of an officer; and in this manner the public business is either encumbered with inconvenient and expensive delays, or perhaps with the still greater expense of a wrong decision, which cannot be remedied.

"It cannot be disguised that, unless the service of this department be relieved by the proper authority from these disadvantages, its immense material of war and extensive buildings and machinery, in all parts of the country, are liable to sustain the most serious losses, from fire, defective preservation, and other causes, while its system of service may be deranged by irregularity in the current business of the arsenals, and by complexity and confusion in its business transactions with the chief of the department.

"I had the honor to submit for your decision, on the 28th ultimo, a communication from the lieutenant colonel of ordnance, inspector of armories and arsenals, urging the difficulty of his proceeding with the inspections in his department, with the present inadequate allowance of transportation, and requesting to be relieved from the more distant inspections, in consequence of the heavy expenses in which they involve him. It is proper here to remark, that the same complaints have been repeatedly made by the other officers employed in the inspections of this department."

The condition of the ordnance department, Mr. B. said, could be exhibited in a few words. There were fourteen officers in the department; and they had between eighteen and nineteen millions of public property to take care of, dispersed through six-and-twenty States, two Territories, and one District.

From all these reports, confirmed by his own reflections and observations, Mr. B. felt authorized to say that the general staff of the army, the engineers proper, the topographical engineers, and the ordnance, were all in a state of impossibility. It was impossible for them to do their duties! No human exertion—no toil of the body—no strain of the muscles—no tension of the mind—could enable them to do it. The work imposed upon them was beyond human efforts to perform. The consequence was delay and neglect in many branches of the service—committal of objects to temporary or incompetent hands in others—overburdening willing officers with excessive and incongruous labor—and inflicting loss and damage upon the country itself, which was the real loser from all defective administrations of its affairs.

Mr. B. having completely vindicated the bill, as he believed, in its two main features—the increase of the rank and file and the increase of the general staff—would next give some consideration to a few detached provisions, and flattered himself that he could show them to be eminently entitled to the favorable action of the Senate. The first of these provisions was in the fourteenth section, and was in the following words:

"SEC. 14. *And be it further enacted*, That from and after the passage of this act, the army ration, when not received in kind, shall be estimated at twenty-five cents per ration; and that every commissioned officer of the line or staff shall be entitled to receive one additional ration per diem for every five years that he may have served or shall serve in the army of the United States; and the paymaster general, surgeon general, and commissary general of purchases, shall each be allowed six rations per diem, and the additional ration allowed in this section."

The object of this section, Mr. B. said, was obvious and plain; it was to extend some little additional compensation to the officers of our army. The first question was, did they need any additional compensation? And on this point he quoted with satisfaction, not only the former opinions of the Senator from South Carolina, [Mr. CALHOUN,] but his present opinions also. In his report of 1818 he particularly descanted upon the inadequacy of the pay, and showed it to be less than it was, the depreciation of money considered, during the revolutionary war. In his speech this day, though objecting to the increased expenses of the army, on account of increased numbers, yet he does not object to an increase of pay, but explicity advocates it, and declares himself ready to vote for it. Turning to the report of the present Secretary at War *ad interim*, (Mr. Attorney General Butler,) and it will be seen, at pages 116 and 117 of his report, that he urgently recommends an increase of pay. Referring to his own knowledge, he (Mr. B.) was certain that an increase was demanded by every consideration connected with the public service. A great many officers, and those of the age and acquirements to be most useful to the country, were retiring from the service, from the inadequacy of the present pay and the gloominess of the prospect ahead. No less than one hundred and seventeen commissioned officers had resigned during the year 1836. Seven others, appointed to commands in the new regiment of dragoons, had declined to accept their commissions; making 124 officers, in our small establishment, refusing, in the course of one year, to remain in it! Inadequacy of compensation is the inducing cause to these retirings, in almost every instance. For many years the officers have petitioned for an increase of pay, and have petitioned in vain. While compensation has been increased to almost all others, that of the army remains stationary, and may be assumed to be inferior now, depreciation of money considered, to what it was upwards of half a century ago, during the time of the Revolution. No doubt, then, can remain, but that an increase of compen-

sation ought to be given. The next inquiry is, whether the increase proposed by this section is proper and adequate. Mr. B. believed it to be proper, as far as it went, but that it did not go far enough—that it was not adequate. It proposed a small increase in two modes: first, in the price of the ration, when not drawn in kind; secondly, an additional ration per diem for every five years' service. The first of these increases is manifestly proper. The present price of the army ration is twenty cents. It was fixed at that sum in 1808, when the price of living was little more than half what it now is. The same principle which fixed it at twenty cents then would carry it above thirty now; but, as the navy ration was fixed at twenty-five cents, Mr. B. had not proposed more for the army. The increase in the price of the ration was the more necessary, because it only applied when the ration was not drawn in kind. This happened principally in travelling, or in boarding in hotels while engaged on duty, and where the present subsistence allowance was an absolute nullity if limited to it. It would take two or three rations to get a breakfast, three or four to get a dinner, two or three to get a supper, one to get a bed, &c. If the price of the ration was now fixed at 33⅓ cents, it would only be in proportion to what it was when fixed at twenty in 1808.

The additional ration per diem for every five years' service, Mr. B. apprehended, rested on a principle which, though new in our service, was eminently just and commendable within itself. It discarded the principle of rank and promotion, which was always irregular and uncertain, and took that of time and service, which was always regular and certain. An officer's expenses go on increasing with time, whether he obtains rank and promotion or not. He gains age at all events, and age brings its attendant wants and necessities. Often he marries, and his family increases with time, whether his rank advances or not. Even if he does not marry, the casualties of family connexions often throw upon him relations, near and dear, with whom he is bound to divide his support. His expenses, then, increase with time, whether rank and promotion come or not; and it has been thought right to meet these accumulating expenses with some additional periodically accruing compensation. This is rendered more proper, because in some regiments and corps promotion is much more slow than in others; and, in many grades, there is no promotion at all; and in our service, pensions and half pay to retiring officers are unknown. The principle of a periodical increase of compensation being shown to be just and equitable, it is presumed that no objection can be made to the application of the principle in this bill, except that the increase is almost too small to be offered—only one additional ration for each five years' service.

Mr. B. said there were a few remaining provisions, the bare statement of which would vindicate themselves. 1. A restoration of the bounties and premiums to recruits. These were abolished about three years ago, as an experiment, and because the recruit often received his bounty, and then immediately deserted. To obviate this, and at the same time to encourage recruits, the bounty is restored, but one half of it deferred until the recruit joins a corps, and is mustered into service. Mr. B. repeated, the abolition of the bounty, about three years ago, was an experiment, which experience had condemned; and it was deemed best to go on in the old way, which, both in the American and British service, had given bounties to recruits, ever since recruits were enlisted. 2. An increase of pay to the privates and non-commissioned officers. This amounted to one dollar in the month only, and was too obviously necessary to need elucidation. The pay of the private was now six dollars a month; the increase will make it seven. The increase is necessary to obtain men and to save money; for if the ranks of the army are not filled at seven dollars a month, their place will be supplied by volunteers and militia, that will cost far more. 3. A commutation of the whiskey component part of the ration for sugar and coffee. This is regulation now; the bill proposes to make it law. The only difference is, that the bill slightly increases the quantity allowed by regulation. 4. A provision for employing chaplains at some of the military posts. This, Mr. B. said, was not the restoration of chaplains to the army, which formerly existed, and which have been abolished for many years. It was not a proposition to re-establish chaplains, to be appointed by the President and Senate, and to follow regiments in the field; but the whole object of it was to aid the officers at posts in procuring the services of clergymen, both for performing divine service and for performing the useful and respectable office of teaching the children of the post. This is now done, at their own expense, at many of the frontier posts, where the officers and soldiers are sufficiently numerous to bear the burden. The object of this section is merely to aid them in this laudable work, and to leave the choice of the chaplain where it now is, and where there is the best means of knowing who is fit, and where there is the greatest interest in having fit characters.

With these explanations, Mr. B. hoped the bill would be found entitled to the favorable consideration of the Senate, to whose decision it was now submitted.

Mr. CALHOUN said he was much gratified with the opportunity of showing that there was not the slightest inconsistency between his course at this time and that to which the Senator from Missouri had so triumphantly alluded. Mr. C. then went on to recapitulate the grounds of objection he had before stated as to the reduction of the Indian frontier, &c. And how had the Senator met these objections? By reading a report made by him when Secretary of War, in opposition to a proposed reduction of the army. Mr. C. alluded to the different state of the country at the two periods of time. We had just emerged from the exasperation of a recent war, in which numbers of the Indians had been engaged, and many cruelties committed. There still remained much hostile feeling on both sides. A large force remained at Rouse's Point, and another at Sackett's Harbor. Our fortifications were dilapidated. There were 100,000 hostile Indians in the interior of the country, in the very midst of us, besides a vast body still more hostile on the frontier. The South American States had recently been liberated from the yoke of Spain, and the Holy Alliance were meditating an armed interference in that contest, and were with difficulty dissuaded from the attempt. Under these circumstances, he had been of opinion that the proposed reduction in our military establishment should not take place. The Senator from Missouri, however, had forgotten to tell the Senate one thing: that he himself had been opposed to the report, and had voted against it.

[Mr. BENTON. I was not here.]

Mr. C. said, perhaps he was mistaken in the date, but the Senator from Missouri had certainly aided in the reduction, and voted for it in 1821; and yet he accuses me of inconsistency in now opposing its increase. Mr. C. said that, when the reduction did take place, he had been almost the only man who was in favor of fixing the number of the army at 10,000. Mr. Dashiell, a member of the other House, had proposed 6,500, to which Mr. C. had replied that he would assent to that number but for the large British force still remaining in Canada. The same principles which actuated him then governed him now, and he was happy in being able to show that there was no inconsistency in his course. The man who was upright in his intentions, and who desired only to do his

duty, need not fear falling into inconsistency. The report which the gentleman had quoted Mr. C. prided himself in. He had been urged by parties on both sides, but he had stood firm and kept his ground, objecting to the reduction on the principle that the establishment of the army should be the most stable thing in the Government. As to the charge of having been in favor of fortifying the Gulf and the Chesapeake, and now being opposed to fortifications, Mr. C. had urged those measures when he was in the House of Representatives; and afterwards, when Secretary of War, he had used his utmost exertions to have the objects effected. The Senator charged him with opposing the defence of Baltimore, but the charge was not fairly stated. The fortification of Baltimore formed but one item in a bill which went to lavish millions, and his opposition had been directed against the bill in general, on account of its extravagance. He never had been in favor of fortifying all the exposed points in the Chesapeake bay, because they were so numerous. His plan had been to fortify thoroughly below, and to combine the defence by forts with that from floating batteries and the navy.

Besides, the expenditures of the Government in 1818 had been very different from what they were now. The whole expenditure then, exclusive of the public debt, had not exceeded ten millions. It was now twenty-five or twenty-six millions, and yet Mr. C. was accused of inconsistency in opposing, under circumstances so different, an uncalled-for extension of our military establishment. The Senator had referred to our experience in the Black Hawk war, as demonstrating an increase of the army to be indispensable. Our experience in that war demonstrated a very different thing. It proved that we should appoint among the Indians faithful agents, who would not stand by and suffer the Indians to be trampled in the dust. And, as to the Florida war, he had recently conversed with a gentleman from the spot, who assured him that nothing occasioned that contest but the very grossest neglect on the part of the Government. General Thompson, our Indian agent, and formerly a member of the other House, when a certain order of the Department in respect to the purchase of negroes had been received by him, had warmly remonstrated, and had even refused to execute the order, warning the Department that it would inevitably provoke a war. The order, however, had been enforced by the authority of the President himself, as Mr. C. understood. In like manner, General Clinch had again and again apprized the Government that there would be hostilities on that frontier, unless additional forces should be despatched to strengthen his position. And, as to the miserable Creek war, he believed that the Senators from Georgia themselves would both admit that frauds and oppression, beyond all human endurance, had been the real cause of that contest. It was more than human nature would endure. The reptile itself would turn when it was trampled on.

[Mr. CUTHBERT here interposed with some warmth. He was understood to deny the charge, as applied to Georgia, and to refer it to the treatment of Indians in Alabama.]

Mr. C. insisted on the truth of the charge. The facts were open and palpable, and notorious as our own existence. Men had made fortunes by treating those Indians in such a manner as fixed a stain on human nature. Mr. C. again said that what was wanted to protect us from the Indians was not more troops, but more faithful agents. The remnants of these native tribes were now a disheartened and broken down people. They had once esteemed themselves the greatest nations on the earth, but they had now become convinced of our strength and their own weakness. The half-bloods among them were partially civilized. They were sensible of the value of property, and very desirous to acquire it. The heavy annuities accruing to their tribes, by treaties with the Government, afforded ample security for their remaining peaceable, unless oppressed beyond endurance. Send them fit agents, and you will hear no more of Indian wars.

Mr. C. briefly recapitulated the grounds of argument he had advanced, and observed, in conclusion, that, while the navy was our great arm of defence, all that we needed in the army was to keep up our military science, and to preserve a well-organized staff. On the latter subject, he had not particularly examined this bill. It was very possible that there might be some necessity in increasing the staff of the army; and if, on further investigation, he should be convinced of this, and a separate bill should be introduced for that purpose, he would very cheerfully yield it his support; but for the present bill he could not vote.

Mr. BENTON rose to correct an assertion of the Senator from South Carolina. When that gentleman had said that Mr. B. had opposed the reduction in 1818, he had merely thrown the words across to apprize him of his mistake; and, had they been received in a friendly manner, he should have done the same when the Senator made his second assertion as to Mr. B's having voted against the reduction bill in 1821. It was not the fact. He had not been in Congress in either of those years.

Mr. CALHOUN made some explanation, which was not distinctly heard.

Mr. CRITTENDEN spoke in opposition to the bill. It called upon the country, in a time of profound peace, to increase our military establishment one third, fixing the minimum of the army at 12,500 men. Mr. C. disclaimed any apprehension of danger from a source like this. He knew that the American people were perfectly competent to their own protection, even if it were possible that the army should be so wanting in patriotism as to be inclined to turn its arms against the country. But, while he entertained no fears of this kind, he had no idea of getting up a large military establishment to cast a shade over the militia. The public liberty might not be endangered by it; but still, in adopting a measure of this kind, Congress would be entering on a road which led on to dangerous consequences. The same political principles which opposed a standing army were equally opposed to all unnecessary increase of our military establishment. Where was the least indication of the danger of a war? Was it on the West, the Northwest, or the Southwest frontier? From whom was it to be apprehended? From our Indian neighbors? There were two regiments of mounted troops ready in a moment to check any sudden movement.

[Mr. LINN here interposed, and asked leave to correct the Senator from Kentucky, who was mistaken as to a point of fact. It was very true that two regiments of cavalry had been raised, but much the greater part of them had been drawn off to the southern extremity of the line and into Florida. Whenever an Indian war should happen, that mounted force would be required at the particular spot where the eruption was made, and it would therefore be necessary to station some other forces along the line of the frontier.]

Mr. C. resumed. He did not pretend to be as well acquainted with the particular stations where these troops were posted as the Senator from Missouri, but he knew that they had been raised for the very purpose he had stated; and if any part of them had been called off into Florida, he presumed the arrangement would be but temporary. Mr. C. professed to have some acquaintance with the people of the West. He knew the qualities of their hearts, and was fully convinced of their courage and patriotism; but he knew also that an army

of 10,000 men would not be sufficient to protect the whole of our Western frontier from a sudden eruption by an Indian force, which might break out, and burn a neighborhood, and massacre the inhabitants. But it never could amount to much more than that. What were the grounds of this sudden alarm? What had created so great a dread of those 70,000 Indians, composed of the fragments, the broken fragments, of a poor, disheartened, dispirited, down-trodden people? It was in vain to affect a terror of this now fallen race, trampled in the dust, and broken in spirit, as an argument for the increase of the standing army. He believed there had not been a single federal soldier in the entire States of Kentucky and Tennessee, when the hardy settlers of that part of the Union first established themselves in the wilderness. It might have been that a part of the Illinois regiment was stationed, for a short time, at Louisville, but the period was very short. These people, unprotected by any force of the Government, had made good their ground against the Indian tribes, when they were in a very different condition from that to which we had reduced them. Their numbers were great, their courage high, their spirit unbroken. But since then they had felt our power. They had become conscious of their own weakness, had been borne down by injustice and oppression, and were now a poor degraded race, living on the charity of this Government. And yet it was from these people that so great danger was apprehended that it became indispensable to augment our peace establishment.

As to the war in Florida, it must now very soon terminate. It could not be with a view to that contest that this increase was asked for, and the apprehension of danger in the West he believed to be a mere pretext. He was utterly opposed to the bill. He should vote against all increase, either of the army or of the fortifications. They were but a useless burden on the nation. They formed a part of a mischievous system of policy—a system founded on principles altogether repugnant to the genius of this Government. The different military bills were all linked together, and followed in a train; adopt one, and it led the way to another, until, altogether, they incurred a mass of expenditure injurious and dangerous to the country. It was urged, however, that the people have a right to protecion. Yes; but was not every standing army in Europe advocated and defended on the same principle? The most despotic Governments, while they exhausted the wealth of the people in raising and maintaining vast masses of troops, professed to their people that it was all done for their protection. It was all idle to talk of protecting a nation of fifteen millions. They wanted no protection; they ask for none.

Mr. TIPTON said that, being a member of the Military Committee, and having at a former session voted for an increase of the army, he felt called upon to say a few words on this bill. The Senator from South Carolina, at the time which had been alluded to by the Senator from Missouri, had been strenuously opposed to the reduction of the army; and Mr. T. believed then, and believed still, that his opposition to it was right. The army, however, had been reduced, and had so continued until it was utterly insufficient to meet the increasing necessities of the country. Mr. T. entirely approved of the provisions of the bill, both as it respected the rank and file of the army, and the proposed augmentation of the staff. He had himself at the last session brought this subject before the notice of the Senate. He had then presented a statement of the rank and file of the army, and its distribution in the several fortifications, both in the interior and along the seaboard. The details went to prove that the force was totally inadequate to the purpose for which it was required; so much so, indeed, that some of our military works had been abandoned and suffered to run into decay, because we had not troops to occupy them. Some of our forts were still in that condition. Even those which defended our largest cities were at this very day almost without garrisons. The works were complete and extensive. They were supplied with guns and all the munitions of war, but there were not men to work the guns or to repel the slightest attack of an invading foe. The country, therefore, had no alternative but either to augment the rank and file of the army, or suffer all these expensive and necessary works to fall into dilapidation and decay. We had, to be sure, professedly, nine regiments of artillery, seven of infantry, and two of cavalry. But what were they? Mere skeletons. All persons who were at all familiar with military affairs well knew that it was seldom possible to bring into actual service at any time much more than two thirds of the military force authorized by law. Such were the diminutions produced by sickness, discharges, desertions, the increased price of labor, and the limited amount of pay, that not more than this proportion could ever be safely calculated on.

Should this bill pass, we should then have on paper an army of 12,500 men; but we should never be able to realize more than 7,000 or 8,000 effective troops to garrison the fortifications on our extended frontier; and it did seem to him that if gentlemen who so strenuously opposed this bill would but reflect on the extent of that frontier, they must be satisfied that such a force was not too great.

As to the increase of the staff, there could be but one opinion about it. It was absolutely necessary, especially in the quartermaster's department. The number of officers in that department of the army was disproportionately small, and entirely inadequate to the wants of the service.

Something had been said about the causes of our Indian wars. Mr. T. would here repeat an admission he had made on a former occasion, that the war in Florida had been occasioned in the first instance by the improper conduct of the agents of the Government; but, although this was undoubtedly the case, yet, had the Government possessed an efficient force upon the spot, we should in all probability have escaped the war. All who are acquainted with the Indian character well knew that there was no way to keep peace with Indians but by keeping up a strong force in their neighborhood, within their view. Nothing but this would ever keep them quiet. It was the present policy of the Government to remove the remnant of the Indian tribes across the Mississippi. The object had been in part accomplished, and these bodies of Indians had been spread along our frontier, from the Red river to St. Peter's. In each of our posts there was a company of soldiers, while a corps of dragoons had been raised for the purpose of scouring the country, and preserving peace, as well between our Indians and their wilder neighbors beyond, as between them and our own people. But that force was inadequate to perform this duty along so extended a line, and it required to be increased. On the whole, Mr. T. could not see the great enormity of the proposed augmentation in the army. There was to be no increase of regiments, no increase in the number of officers of the line. It was confined exclusively to the staff, and to the rank and file of the army.

Mr. LINN observed that it was now the settled policy of this Government to remove those remnants of Indian tribes who yet retained some territory within the States from the positions they occupied, and to give them in exchange a territory west of the Mississippi; thereby at once protecting the Indians from the encroachments and depredations of a surrounding white population, and enabling the State Governments to exercise uninterrupted jurisdiction over the entire extent of their own territory.

It was a noble policy, characterized alike by wisdom and humanity. It had originated in the cabinet of which the Senator from South Carolina had been at that time a distinguished member, and it would stand in the history of this country a glorious and enduring monument of the enlightened views and enlarged benevolence of its authors. The process had commenced, and the plan was in the course of execution by the present administration, notwithstanding many obstacles. The Indians had been removed from many of the States, and collected in their respective tribes on our Western frontier. Now, Mr. L. would ask the Senator from South Carolina, and all those other Senators who represented States that had formerly been burdened with an Indian population, whether they were not under the most solemn obligations of justice to the States of Missouri, Louisiana, Arkansas, and Territory of Wisconsin, in whose immediate vicinity this large body of Indians had been assembled, to protect her people from the Indians, and to protect the several Indian tribes from each other? Now, what course of policy was it necessary to pursue, in order effectually to accomplish this end? Having removed these people from their native haunts, and brought them together under new circumstances, the Government was obviously under obligations to extend to them, so far as should be in its power, the blessings of government, religion, and civilization; and, for this purpose, the great and only efficient means must be to break up the war spirit among themselves. Unless that spirit could be put down, these warlike tribes would in a little time destroy each other, or cause aggression upon us. For this purpose, it was indispensable that we should have at our disposal, and ready for action, a respectable military force. Successive Secretaries of War, and among them the late Secretary Cass, than whom no man was better acquainted with the Indian habits and character, had estimated the force requisite for this object at 7,000 men. General Jesup, in a communication made by him to the Government, had made the same estimate, and all the Indian agents who had been consulted concurred in the same opinion. The present acting Secretary of War fully agreed in it. They all agreed in the opinion that a permanent military force must be established on that frontier. When not engaged in military duty, they might be employed in constructing military roads and fortifications. Forts must be established at short distances from each other, and garrisoned by a standing body of troops, whilst cavalry should be employed to move from point to point. To hope for any thing like permanent peace among a large body of Indians, under any other circumstances, was idle. The very nature of the Indian was war; it was the element in which he moved; and he must see a force actually present, and sufficient to control him, or this warlike propensity could never be repressed. It was utterly vain to represent to these people the power of the United States Government. Nothing of the kind made any impression on the Indian mind, unless accompanied by a visible demonstration of military force.

The Senator from Kentucky [Mr. CRITTENDEN] had observed that the militia of the Union could defend themselves. It was unquestionably true; but Mr. L. contended that this Government had no right to place the people of the country in such a condition that they must take up arms to defend themselves. It was unjust. No one better knew than that gentleman at what cost the dark and bloody soil of Kentucky had been conquered and maintained against a savage foe. Its soil had been fattened with the best blood of this land—blood which might all have been spared if the Government had been in circumstances to afford to those hardy settlers the protection of a regular military force, but which was denied them, in consequence of revolutionary struggles. Mr. L. did not want to see such scenes enacted in Missouri. No doubt, the people of Missouri could subdue any Indian force which should invade their soil; but it was not their place to do it. They ought not to be compelled to work out their own safety. The Black Hawk war had cost this Government millions of money, but it had cost the State of Illinois more. She would not get over the effects of that war for years to come. The settlers fled before the tomahawk, and the country was, for a time, abandoned to a savage foe; houses were left tenantless, rank weeds sprung up in the cultivated fields, and cattle ran at large. The Senator from Indiana [Mr. TIPTON] had charged that war to the fault of the Indian agent. This was the first time Mr. L. had ever heard this charge adduced. He had been personally acquainted with that agent, and knew him (the late Mr. Felix St. Vrain) to have been a capable and active man, and never had he known one of greater humanity. He had fallen in an attempt to prevent the horrors of war between the whites and the tribe of Indians confided to his care.

[Mr. TIPTON here rose to explain, and was understood to disclaim imputing the least blame to the individual in question; his remarks had applied to another person.]

Mr. L. resumed, and observed that the Black Hawk war strongly illustrated the truth of what he said. Black Hawk's tribe had sold to the United States their lands east of the Mississippi, and crossed over to the west side of that river; but soon observing that there was not a military force sufficient to hold the country, they recrossed the Mississippi, and, before the face of General Gaines, resumed the possession of their old territory; and so unable was that officer to resist them, that he had to sacrifice several thousand bushels of salt and corn to buy off the Indian force, and soothe their feelings. The truth was, that Black Hawk most grossly insulted the whole of our force, and did actually threaten to whip what he denominated the mercenary soldiers of the United States. He yielded, however, at length, to the wise and temperate admonitions of General Gaines, and crossed the Mississippi again; but, with the infidelity which belongs to the Indian character, returned a second time the next spring, and imprisoned Choteau, the United States agent, and committed various other outrages. It was impossible to conceive a more indomitable pride, or a more warlike spirit, than possessed the breast of that chief and that of his followers. He found himself at the head of 500 or 600 cavalry, as well drilled as any troops in the world, and war he was determined to have. He had thought that he could conquer any force which should be brought against him. When the United States force under General Atkinson, aided by the militia of Illinois and the miners under General Dodge, at length appeared, he took refuge in the swamps between the four lakes; and it required all the force that could be raised in the State of Illinois and Territory of Wisconsin in addition to the regular army, to drive him from his position; nor could they ever have effected it, had they not resorted to starvation. This had been the true but brief history of the Black Hawk war; and did it furnish to this Government no warning? Were there no swamps, no dark and tangled forests, in that country now assigned to the Indians? Had the Indian character or habits changed? Not at all. They were the same ferocious and blood-thirsty people they had ever been. No doubt, the people of Missouri, after a bloody struggle, from time to time renewed, might subdue them. But he repeated the assertion, that the Government had no right to compel them into any such contest. It was the act of the Government which had congregated these Indian tribes on the frontiers of that State, and it was unjust to leave the inhabitants exposed to have their houses burnt, their farms laid waste, and their wives and children tomahawked before their eyes.

Mr. CALHOUN referred to an apparent inconsistency in the estimates of the Secretary of the Treasury, in which Mr. C. was understood to say the Secretary had fixed the expense of 5,500 men at about $3,000,000; and of 7,000 men at only $3,800,000. Mr. C. inquired how both these estimates could be correct.

The Senator from Missouri, [Mr. LINN,] Mr. C. said, claimed protection for the people of that State. It was Mr. C's object to give them protection; and if Mr. L. would join him in procuring the appointment of honest, skilful, and faithful Indian agents, such protection might be secured, or at least rendered unnecessary. And in an open country (he said) a very small white force, with artillery and cavalry, could overthrow any Indian force that might be brought against them.

It had been mentioned as a difficulty, that the regiments of the army would not be kept full enough. Mr. C. thought it a much better remedy for this difficulty to increase the pay of the troops, rather than to increase the nominal number. The measures of this Government, he said, had disturbed and embarrassed the currency of the country, raised the prices of the means of living, and the wages of such as might be employed in the army; and now, in order to obviate all this, it was proposed to increase the army with 5,500 men. Mr. C. insisted that this was no adequate remedy. The cause of the evil lay deeper—in the past measures of the Government, and the consequent increase of banks, which would still increase and swell the currency, till an explosion would be inevitable, without a timely remedy.

Mr. C. deemed the troops already in the service as ample to defend that frontier. The Indians, he said, were a poor, broken down, dissipated people, and all that was wanted was faithful and skilful Indian agents. He thought they ought to be left to themselves in relation to wars beween them and the Indians further west. If not allowed to go to war when they thought proper, they would all die of drunkenness. He would let them go to war, and drive the wild Indians still further west. In every view of the bill, Mr. C. regarded it as objectionable, and hoped it would not pass.

Mr. SOUTHARD said, in 1821 a law was passed to reduce and fix the military establishment, which was then the same as at the termination of the war in 1815. After 1821, experience taught us that the reduced force was more than sufficient. Now, here was a proposition to enlarge that force of 1821, without reasons, without any change in the circumstances of the nation, that could be regarded as a cause for enlarging that force. On the contrary, the extent of the frontier exposed had been reduced, and the dangers were otherwise less than at that time.

The only point which it could at all be urged to require an increase of force was in the Southwest, where the Indians had been removed. But, when that removal was authorized, it was argued that the danger would be diminished by that measure. Had there been any war there, or was there a prospect of any war? Then why, for that cause, should the military force be almost doubled? Because the population had become more numerous, and, consequently, more able to defend themselves, were they therefore to have a standing army to defend them? This, Mr. S. said, was in opposition to every principle supposed to be republican. From the foundation of the Government, it had been zealously maintained that we ought not to have a large standing army, in imitation of the old and corrupt Governments of Europe. The argument which was now advanced was precisely that which had sustained standing armies in Europe, and trampled down the liberties of the people.

Mr. SEVIER said, when the first bill providing for the removal of the Indians from the east to the west of the Mississippi river was discussed in Congress, it was his fortune to occupy a seat in another quarter of this building. On that occasion he listened, as was his duty, to all that was said for and against that measure. That discussion, conducted on both sides with great ability, was far, very far, from overcoming his repugnance to the passage of that bill. In truth, he was heartily opposed to it, not because he believed it would not be a great benefit to the old States, but because it would, in a corresponding ratio, injure the new. To quiet his fears as to its consequences to his section of the country, and to reconcile him to this favorite policy of the administration, he was repeatedly assured that, when the Indians should be removed, his constituents who live in their vicinity should have garrisons and troops and military roads to guard and protect them against all possible danger. From that day to this, on every suitable occasion, he had endeavored to hold this Government to its bond. He had endeavored to exact its fulfilment to the last letter. Build your garrisons, give us troops for our defence, open your military roads with the interior, and yield to the frontiers that security and protection which it is your duty to bestow, and which they have a right to require at your hands. If your standing army is now too small for those purposes, (and of that I entertain no doubt,) increase it—make it large enough for the wants of the whole country; and if an increase of three or four thousand soldiers is insufficient, go to ten or twenty thousand, (if the wants of the country require so large an increase,) and I, for one, am ready to vote for such a measure. And I am not to be driven from this position, or to falter in the discharge of my sacred duty to my constituents, by the stale cry that a standing army is dangerous to the liberties of the people. Sir, I am not one of those who believe that a standing army of twelve thousand men (to which number this bill proposes to increase our army) can ever endanger the liberties of the people. No, sir; if they were aliens and mercenaries, (and not, as they are, native-born citizens, who are linked to us by ties of kindred and country,) I should have no fears of an army of them consisting of twelve thousand men. There is no need for such fears. There is no class of our citizens more patriotic, none who revere our institutions with more idolatry, or who would be more ready to preserve them in their purity, than those who constitute the army of the United States. But if they should ever become mad enough to attempt it, who among us is credulous enough to believe they would ever succeed. I will not dwell any longer upon a proposition which I consider so wholly untenable.

We are told that, if a standing army is not dangerous to the liberties of the people, an increase of it is unnecessary. It is said that our Indian boundaries have of late years become very much contracted; that those boundaries now extend only from the St. Peter's to Red river; that to the territory between those two points the main body of the Indians have been removed and congregated together, and on that account are less formidable than before; and that, thus settled, they are broken down, disheartened, and dispirited, and in that condition are wholly harmless. To carry out the picture to perfection, we are told that the country they occupy is high, open, abounding with prairie, so that, in case of war, they can be easily reached and promptly punished for any aggressions; that the citizens of those frontier States are competent to follow their private pursuits, and protect themselves, as did the first settlers of Tennessee and Kentucky, without the aid of the troops of the United States. These are the arguments which the opponents of this bill have pressed upon us. I shall be pardoned, I hope, in giving them a rapid review, for I am indisposed to trespass long upon the patience of the Senate.

The Indians heretofore were remote from each other; they were divided among themselves, and the different tribes at war with each other. They were in the immediate vicinity of your most populous States, and generally surrounded by a very dense white population, always at your service. They were wholly undisciplined, and armed only with war clubs and bows and arrows. In this condition, your arms, your superior numbers of whites and Indian allies, and your discipline, have always enabled you to conquer them in detail, when fighting against you alone, and unsustained by the exertions of other savages. But in no instance have you ever triumphed over them, notwithstanding your great advantages, without the loss of much treasure and hundreds of valuable lives. What is their situation now? They are located thousands of miles from this Capitol, and hundreds of miles distant from the nearest points from which relief to the frontier settlements could be brought in the event of war. They have been taken from the immediate vicinity of, Georgia, Alabama, Indiana, Illinois, Ohio, and the Carolinas, and located together upon the borders of the weakest and most remote States in the Union. They have the mighty Mississippi between you and them—a formidable barrier of itself; and that being passed, you then have a country between them and you (some two or three hundred miles in extent, before you reach their settlements) but thinly settled, and, on that account, without roads or subsistence for your troops. Being thus remote from a superior force, and almost inaccessible, are they less formidable now than they ever were before? The country they inhabit abounds in wild horses and buffalo. They may be said to be inexhaustible. They will never want cavalry or subsistence; and, if you defeat them upon our frontiers, they have but to retreat, and retreat, through the common desert in their rear, where you can never follow them—to the Rocky Mountains, to California, to the Pacific itself. From these inaccessible retreats, they can repeat their incursions whenever your troops are disbanded or drawn from the frontiers.

These Indians, thus placed upon our frontiers, are better armed than even our population. In compliance with the terms of our treaties with them, we have given each warrior his gun, his powder and lead, steel, iron, and blacksmiths. To some we have given, in addition, swords, tomahawks, and scalping-knives. These Indians, thus armed, have learned your discipline. They have been trained in your army as privates and as officers. They have seen much service with you in the field. At this time they are all united and friendly with each other. Without calling to their assistance, what they can at any time obtain, the aid of the Pawnees and Camanches, and the other tribes that inhabit that country, they can raise an army, well disciplined and well armed, that would be not only truly formidable, but an over-match to your present army and the disposable forces of the frontier States of Louisiana, Arkansas, and Missouri. At this time we have peace in that quarter of the country, and I most sincerely pray that a different state of things may never exist there. But what is our security? Does it exist in the fact that they are broken down and dispirited? Do they appear to be more so now than when Black Hawk and his followers rung the war-whoop upon the frontiers of Illinois? than when he burnt their dwellings, plundered their property, massacred the inhabitants, and produced a panic throughout that whole State? Do they appear to be more broken down now than did the Creeks to the citizens of Alabama and Georgia? more so than Oceola, with his five or six hundred naked, unarmed followers did to the people of Florida? No, sir; they are still the same cunning, indomitable people; they despise your policy, and openly defy your power. And your transportation of many of them to the frontiers of my State, in chains and in handcuffs, has not, in my judgment, soothed their tempers or annihilated their spirit of revenge.

It was the leading policy of that distinguished Indian warrior who fell in arms against you at the battle of the Thames to unite all the Indian tribes in a general war against you. He was then unable to accomplish his object. Should a similar spirit appear upon our frontiers now, when the various tribes are united in friendship, and live together, with the manifold advantages their position gives them, where we have neither population nor military force to oppose them successfully, where they are armed and disciplined, and irritated to the highest pitch, there is no one who can estimate the consequences he might produce, or calculate the loss of life, of property, of trouble and expense to the people of the United States. Shall we throw aside the lessons of experience, and leave things as they now are? Or shall we not guard effectually against them, as becomes us, by building forts, opening roads, and increasing the army large enough to protect our own citizens? I, for one, answer in the affirmative. Remember, Mr. President, that you placed those Indians upon our frontier, not only without our consent, but against our strongest remonstrances. My constituents have ever maintained that you had no right thus to expose them to the caprices of an Indian population; but you have done so. You cannot retrace your steps, but it is in your power to afford them some compensation, by giving them your protection. That they have asked; that they now ask. I receive communications nearly every mail, calling my attention to the situation of our frontier. I hope the Senate will not consider it a sufficient answer to the application of my constituents to tell them that Kentucky and Tennessee were settled without the aid of troops of the United States; and that, therefore, like them, they must defend themselves and their property. When those States were settled, the United States were unable to afford them the necessary protection; and if protection could have been afforded, protection they would have had; and, in that event, those early settlers would have had no use for block-houses; they would have had fewer murders to weep for, and less property to lament the loss of.

In regard to my constituents, I can assure the Senate that they are brave, hardy, and patriotic, and idolize the institutions of their country. A regiment of them are now in your service; and, whenever their services are wanted, they will be the first to afford you their assistance, and the last to withhold it from you. They cannot conveniently follow their private pursuits and at the same time guard the frontier, even if they were able to do so; and, if they were able to guard it, would you pay them for their services? No, sir. If their settlements are invaded, and their property destroyed in war, will you pay them for it? No, sir. If they are overpowered and murdered, will the State be satisfied by being told that this Government is powerful, and will redress the injuries inflicted upon her citizens? No, sir; it will not satisfy the State. She values the lives of her citizens beyond all price. I am aware that the increase to our army will cost us some money. What of that? Can it be so well expended upon any thing else? And, besides, is money to be balanced against the life and quiet and property of my constituents? I would not give the life of the humblest among them for all the paltry trash in your Treasury. I shall vote for the bill, and shall conclude by asking the yeas and nays upon its passage.

Mr. TIPTON again addressed the Senate, and went into a number of details of the late Indian wars in the West, all going to show the necessity of having both an armed force and suitable agents, in order to control the Indian tribes.

The question was now about to be put, and Mr. SEVIER had demanded the yeas and nays, which were ordered; when

Mr. LINN rose to reply to the charge which he understood as having been made on various occasions against the people of Missouri, of having plundered and oppressed the Indians on their border. Mr. L. said he had personally resided for twenty-six years in the State of Missouri, and knew that this charge was wholly unfounded in truth. Nothing could be further from the fact. There was not a man in either Missouri or Wisconsin who did not possess too much sense to attempt to plunder Indians. They all knew that at that game they were very sure to come off losers: for the Indians could beat all the white men on the face of the earth at stealing. No; the people of Missouri had never robbed or trampled on these natives of the forest. All the injuries in the case had been perpetrated by Indians upon the peaceable white settlers and their families. The Indians had been represented as a poor, spiritless, downtrodden race, ignorant of their own rights, and continually imposed upon by the whites. Nothing could be more opposite to the truth. A deal of trash of this kind had been uttered in the course of this debate, by those who onght to know better. No people on the face of the earth were keener sighted, or more fully awake to their rights and interests, than the North American Indians, one and all. No one could have acquaintance and personal intercourse with them, and not know they were shrewd in an unusual degree. The Black Hawk war was to be traced entirely to the fraud practised by that chief and his followers in the execution of the treaty. He had openly insulted General Gaines, and threatened his soldiers; and Gaines, to comply with the general peaceful policy of the Government, had been obliged to buy him off. But he returned again the next year; and this would ever be the course of Indians, notwithstanding any engagements they might enter into, unless they saw a military force prepared to enforce a compliance with their promises. Mr. L. claimed from this Government protection for his constituents. The people of Missouri had a right to demand it. It was in vain for gentlemen to talk of there being no danger to be apprehended from a body of 150,000 Indians, collected on their immediate frontier, who were in reach and might be in communication with 150,000 more, inhabiting the vast prairies of the West.

"On these extensive plains a new state of things was likely to grow up. It is to be feared that a great part will form a lawless interval between the abodes of civilized man, like the wastes of the ocean and the deserts of Arabia; and, like them, be subject to the depredations of the marauder. Here may spring up new and mongrel races, like new formations in geology, the amalgamation of the 'debris' and abrasions of former races, civilized and savage; the remains of broken and almost extinguished tribes; the descendants of wandering hunters and trappers; of fugitives from the Spanish and American frontiers; of adventurers and desperadoes of every class and country, yearly ejected from the bosom of society into the wilderness. We are contributing incessantly to swell this singular and heterogeneous cloud of wild population that is to hang about our frontier, by the transfer of whole tribes of savages from the east of the Mississippi to the great wastes of the far West. Many of these bear with them the smart of real or fancied injuries; many consider themselves expatriated beings, wrongfully exiled from their hereditary homes and the sepulchres of their fathers, and cherish a deep and abiding animosity against the race that has dispossessed them. Some may gradually become pastoral hordes, like those rude and migratory people (half shepherd, half warrior) who, with their flocks and herds, roam the plains of Upper Asia; but others, it is to be apprehended, will become predatory bands, mounted on the fleet steeds of the prairies, with the open plains for their marauding grounds, and the mountains for their retreats and lurking places. Here they may resemble those great hordes of the North, 'Gog and Magog, with their bands,' that haunted the gloomy imaginations of the Prophets. 'A great company and mighty host, all riding upon horses, and warring upon those nations which were at rest, and dwelt peaceably, and had gotten cattle and goods.'"

Mr. L. said he had just received a letter from an intelligent individual, who was in circumstances to judge, who stated that there were strong reasons to believe that a communication had been opened with the Indians of the great prairie region, and that efforts were on foot to effect a union with them against the United States. It was all trash to talk about their being a broken-down and powerless race. Never had they been more fierce, never more bent on war; and the only hold which the Government had upon them was through their annuities. The great tribes, to whom large annual payments in money had been guarantied, would not go to open war with this Government, lest their annuities should be forfeited; but there were some smaller tribes not so restrained; these were not unlikely to commence a hostile movement; and, the moment they should do so, there were multitudes of the young warriors from the larger tribes ready and eager to join them. It was in this way that Black Hawk had become formidable. And this state of things would inevitably and necessarily continue until those tribes should become civilized. It was a noble design, and, properly pursued, would succeed; but never until the warlike habits of the Indians were broken, and they were converted into agriculturists. So long as they should be left unawed by a military force, and at liberty to butcher each other, the benevolent design intended in their removal could never be accomplished.

Mr. L. said he had himself travelled through their settlements; he had observed their condition; and, in the neighborhood of Fort Leavenworth, he had found fields cultivated, houses built, school-houses erected, workshops opened, the loom going, young Indian boys, from sixteen to eighteen years old, learning the mechanic arts, and some of them as good workmen as could be found any where. Here the Indians were perfectly peaceable; and, beholding a controlling force in their presence, and before their eyes, had abandoned their warlike habits, and were beginning to cultivate the arts of peace. Let but this system be carried out, and the same results would follow throughout the Indian country. Was it not worth an experiment? Did we not owe it to these people thus to secure to them a fair start in the course of civilization? This once secured, their progress would afterwards be certain. Only keep down the tomahawk for a few years, and interest and experience would convince these people of the advantages of peace and civilization. But leave them to their own savage nature, refuse to the white settlers any military defence, and these Indians, whenever their resentment should be awakened, could at any time make an irruption into our settlements, burn, scalp, slay, and butcher, without mercy, and then retreat to their swamps and deserts before any force could be collected to resist them. It required no spirit of prophecy to foretell, with great certainty, the recurrence of scenes of this character on our frontiers, if the Government should neglect to erect forts, and, after they were erected, should be unable or unwilling to garrison them. And, when the blood of helpless women and children had thus been shed, would not those Senators feel bitter remorse, who, by opposing a measure so necessary and so salutary as that now before the Senate,

had, to a certain extent, made themselves sharers in that blood?

Mr. L. had repeatedly heard it said that Missouri would find ample compensation, in the vast expenditure of public money on her borders, for the evils that might grow out of the congregation of such fiery and discordant tribes of Indians on her borders. She wanted wealth from no such sources. The God of nature had been most bountiful to her; and all her population earnestly desired was to be left in peace to cultivate the blessings so lavishly showered on them. Washed on the east by the "Father of Waters," some of those tributaries inosculate with the silver lakes of the north; divided into nearly equal parts by the mighty Missouri river, whose sources lie hid in the recesses and caves of the Rocky Mountains, where silence loves to keep her long millenium of unbroken repose; a rich virgin soil; mountains pregnant with mineral wealth; extensive plains and noble forests, much reason has she for rejoicing, but let her rejoice with modesty.

Mr. CALHOUN made some remarks in rejoinder. He was understood as saying that his remarks had been intended to refer only to the Southern Indians, and not to those on our Northwestern border. The Senator from Missouri had represented the Indians in his neighborhood as far advanced in civilization, yet was demanding troops to protect his constituents against their ravages.

Mr. LINN explained. What he had said about advanced civilization referred not to the body of Indians on the frontiers generally, but to those only who were in the vicinity of Fort Leavenworth; and his argument had been, that, if similar forts should be distributed at short distances along our frontier, the same effects might be hoped for on a wider scale.

Mr. PRESTON went into a course of general remarks upon the bill, approving its provisions so far as related to the increase of the rank and file of the army. He dwelt on the deficiency of troops in Florida, the defenceless state of our fortifications on the seaboard, the broken state of the regiments, and the consequent inefficiency of our military force. He thought we might expect an occasional brush with some of the Indian tribes, though nothing like a general or permanent Indian war was at all likely to happen. In Texas, too, should the struggle be prosecuted by Mexico, it would be very desperate in its character, and might be expected unavoidably to extend itself more or less across the line into our own territory; in addition to which, it was not improbable that attempts would be made on both sides to enlist an Indian force. All these were reasons with him for believing that the numerical force of our army ought to be augmented.

As to that part of the bill which related to an increase of the staff, though he had been opposed to it at the last session, it had been only because he wished the department to point out the mode in which it should be arranged. This had now been done; and as the service here was suffering, by taking officers from their duties in the department to perform active duty in the field, he was satisfied that the staff also needed to be augmented.

Mr. CLAY inquired of Mr. P. whether he believed that an increase of the army on paper would secure an actual increase of its numbers in the field? If the army, when nominally containing but 6,000 men, could not be recruited, how was it likely to be filled up when nominally 12,000?

Mr. PRESTON replied, that all history had shown that there was generally a fixed relative proportion between the number of an army on the rolls and in actual service. It was probable that the same proportion would still continue; and though the army, as augmented, might not be full, it would be much larger than if the proposed enlargement by law did not take place.

Mr. BENTON went into some explanation as to officers who had been taken from the bureau and ordered into active service; and insisted that this very fact supplied a strong argument why their number should be increased.

After some further explanations and replies on this part of the general subject, the debate closed.

The bill was amended, on motion of Mr. MOORE, by striking out the 19th section, (requiring dismissed cadets to pay a sum to the Government;) and the bill was then passed, by yeas and nays, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Clayton, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lyon, Nicholas, Niles, Norvell, Parker, Rives, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, Wright—26.

NAYS—Messrs. Calhoun, Clay, Crittenden, Ewing of Ohio, Kent, King of Georgia, Knight, Moore, Prentiss, Robbins, Southard, Swift, Tomlinson—13.

On motion of Mr. WHITE,

The Senate went into the consideration of executive business; after which,

It adjourned.

FRIDAY, FEBRUARY 17.

GENERAL SCOTT.

The resolution offered by Mr. PRESTON, calling on the President for a copy of the proceedings of the late court of inquiry at Frederick, in relation to the Florida war, being under consideration—

Mr. PRESTON said there was a strong impression on the public mind that the result of the late court of inquiry at Frederick was not only exculpatory, but exceedingly honorable to General Scott. Mr. P. exulted in the honor which had accrued to the country by that general, and it was with deep regret that he saw the President did not share in these favorable sentiments. Looking at the late letter of the President on the subject, Mr. P. believed that if any case had ever been presented in which it was necessary for Congress and the country to know what had been done, this case was eminently such.

Since June last, the reputation of General Scott had undergone a severe canvass. He was then superseded in his command of the army of Florida, by means of the letter of a subordinate officer under his command to the editor of a newspaper in Washington city. The manner of his conducting the war was made the subject of investigation, and he was arraigned before a court. The subordinate officer who had accused him was successively advanced from the situation he then occupied till he was in the chief command in the very war from which he had been the instrument of removing General Scott by these extraordinary means, and was at the head of better and more numerous troops.

General Scott's character (Mr. P. said) was a historical one; and, whatever it was, it had been fairly won. In justice to him, in justice to us and to our national character, he ought to be vindicated from any accusations which he had not merited.

The result of the court of inquiry (Mr. P. said) had been made known to the country; and it therefore struck him as highly desirable that the proceedings of the court should be spread not only on the journal of the court, but publicly on the journals of Congress. The letter of accusation had been published in the Globe, and, as far as General Jesup's sentiments would go, public opinion was pre-occupied seven months ago. The opinions of the President also, in opposition to the views of the court martial, had been made known to the world. Under these circumstances, Mr. P. thought it very desirable that Congress should have something on the other

side of the question, so that they might be able properly to make up their opinions, first, between Generals Jesup and Scott, and then between the court martial and the President of the United States. The President had thought proper to publish his dissent from the result of the court martial, and thus the seal of secrecy was to a certain extent broken on the proceedings of the court. The whole truth ought to be known on the subject; and if it should then appear that a great injury had been done, Mr. P. would have the vengeance of the people fall where it ought to fall.

Mr. CRITTENDEN said he concurred in the views of the Senator in relation to General Scott, and he felt much sympathy for him in the wrongs which he had suffered. But he understood that the official proceedings of the court martial had been resumed, and that it was not therefore in the President's power to send them.

Mr. WRIGHT moved that the resolution be referred to the Committee on Military Affairs, that they might obtain the papers, if they could be obtained; but he was confident they were not in possession of the President.

Mr. PRESTON considered such a reference unnecessary, as a direct call from the Senate ought to answer every purpose. He suggested that there might be copies of the proceedings here, though the original had been returned. He regretted if it were not so, as in that case there would not be time for any action of Congress at this session.

Mr. BENTON declared it a usurpation for either branch of Congress to call for papers of this kind till the result had been entirely made up by the authorities constituted for that purpose. It would also forestall the public judgment; and, if such a resolution should pass, it would seem as if the Senate were not wide awake; or, at best, it would indicate that they were in doubt whether the proper authorities had completed their action on the subject.

Mr. PRESTON repelled this charge. General Jesup and the President, he said, had already forestalled the public judgment; and the just order of inquiry now demanded that the main facts of the case should be publicly known.

Mr. CUTHBERT observed that nothing could possibly be more unfortunate for the army than a readiness on the part of Congress to mingle up questions of military discipline, and the standing and conduct of military men, with the strifes of party politics. Nothing could be more utterly at war with all those high and chivalrous feelings which ought ever to distinguish the soldier. Mr. C. should greatly regret that Congress should now hastily rush into such a practice. The investigation of this subject they could commence whenever they please; but, when commenced, it could not be terminated with the same facility. What the gentleman from South Carolina [Mr. PRESTON] chiefly objected to was, that the President should publish a part of the finding of the court. It was not in the opinion of the President that the error lay. His friend would not assert that the President erred there. The President did not err. The uniform practice on the part of courts of inquiry was first to furnish an abstract of the evidence submitted to them; then their reasoning upon that evidence; and finally their sentence in the case. But here the court had pronounced a bare acquittal. Such a form of proceeding was not for the advantage of General Scott himself, in whose favor the sentence had been given. General Scott, if he understood his own interest, should desire an abstract of the case, presenting the facts as they were proved, so that he might fully establish his innocence, or might authorize his country to pronounce a different verdict from the court, according as the case might be.

There was another point in this case which ought not to be overlooked; and that was the extreme irregularity of the court in referring to the conduct of General Jesup. Although the conduct of that officer was never submitted to them for examination and judgment, they had pronounced a most bitter and unmeasured censure upon him. This alone formed a sufficient ground for the President returning to them their report. It was most unfortunate for the army that a spirit of faction seemed to have taken possession of even its officers, from the highest to the lowest. They seemed unconscious of that delicacy of honor, that reserving pride, which formed one of the highest distinctions of the true soldier. An officer possessed by the right spirit would never choose to lift that veil which covers, with a sacred and proper secrecy, whatever belonged to the conduct of a superior. But we were called daily to witness a spirit the reverse of this. It was a spirit which every man who loved his country, and felt for the character of the army, ought promptly to discourage.

Mr. BENTON said he had looked slightly into this case, and he understood the court of inquiry to have been directed to report the facts. Sometimes courts of this character delivered simply their opinion, without giving the facts; sometimes they reported the facts alone, without expressing any opinion; but here they were required to do both—not merely to express an opinion on the conduct of General Scott, but to return the facts on which that opinion was founded. The paper put forth by the President objected to the finding of the court, because the facts were not reported, and because he wished to examine them for himself. The disapproval is not of the opinion expressed by the court, but of their omission to give the facts of the case. He thought it would be an act of usurpation, should the Senate, in this stage of the business, attempt to interfere and forestall public opinion, before the President had expressed his judgment either one way or the other. The President had, as yet, expressed no opinion of the officer, but only of the course pursued by the court.

Mr. PRESTON said that he agreed entirely with the honorable Senator from Georgia [Mr. CUTHBERT] in the regret expressed by him at the factious spirit which seemed to prevail in the army. The spectacle was truly a melancholy one. Our military defenders seemed to be possessed, throughout, with a spirit of rivalry and of mutual hostility. It might present a curious question, should the causes be investigated which had led to this state of things. The whole of this affair in relation to General Scott had originated in such a spirit. It had been occasioned by a direct attack of a subordinate officer against his superior in command, who was at the time acting with him in the field. It assailed his military character, and disapproved and opposed his plan of the campaign. The communication in which it was contained had been forwarded, not to the Department of War, but to the editor of the Globe newspaper, to be by him presented privately to the President of the United States. The President, with his characteristic frankness, instead of holding this as a secret communication, immediately made it public, and placed it on the files of the Department. What could more strikingly exhibit the spirit which has been so well described by the Senator from Georgia? There seemed, throughout the army, to be a want of subordination on the part of its officers; and Mr. P. thought it the duty of Congress to assert the obligations of military authority. In this case, the causes of the failure of the campaign in Florida had been under investigation by a court of inquiry, and, as a part of the testimony in the case, the letter of General Jesup had been referred to. The court declared that, in their judgment, the allegations contained in that letter against General Scott are without foundation; and they express, with some freedom,

their opinion of the accuser. This, Mr. P. believed, was common in courts martial. But, all this apart, admitting that that portion of the report was supererogatory, was the President to cut out of this report so much as made against General Scott, and yet were the Senate to be told that the proceeding was still private and inchoate? It was not private. The President had published it to the world. Was he to select just so much as he pleased, and keep back the residue? Was whatever made against an officer to be published, while that which was in his favor was withheld from publication? The President complained of the court for not having reported facts; but Mr. P. insisted that the court had reported facts of the utmost importance. He here quoted the report, to show that the court had declared that there had been no improper delay on the part of General Scott. This, surely, was one important fact. Then, that the earliest measures had been taken to provide arms, &c., for the troops. Here was another important fact. That, on his arrival, he had found the men almost utterly destitute of all which they ought to possess. This was another fact. Then, that arms had been distributed to the volunteers. This was another. That the plan of General Scott had been well devised; and so on. Here were facts detailed as fully as in a special verdict. The court had referred to the testimony as fully establishing them, and had thereupon acquitted General Scott. Their report was a direct assertion of facts, and of all the leading and prominent facts in the case. The President, having published this report, and accompanied it with his dissent, he was utterly precluded from saying that the matter was still private, incomplete, and before the court for investigation. If, indeed, he had not given publicity to this document, his dissent would have been in the nature of an interlocutory decree, and it might have still been said that the affair was before the court; but, having chosen the other course, this plea could no longer be offered.

Mr. P. said he had entered with reluctance upon this subject. He had waited to see whether some one more competent to do it justice would not take it up, until a motion was made to go into executive business; he then could no longer refrain, as well from a personal feeling of friendship to General Scott as from a regard to the public good. Mr. P. was determined that officer should neither be crushed by a direct blow, nor undermined by indirection. He lamented the position in which General Scott was placed, and he lamented every moment's delay which stood between him and a full acquittal.

Mr. RIVES observed that the question was not now on the final adoption of the resolution which had been offered, but simply on the reference. The only anxiety he felt in reference to the matter was, that the course taken should be the most proper one, and should best insure to General Scott a full measure of justice. As to the opinion of the President on the merits of the decision, or the merits of the proceedings themselves, he should not enter into any discussion, because he deemed it premature. The Senate had not the necessary lights on which to proceed. The only question they had now to decide was, what was the proper course to be taken with the resolution? He did not wish the Senate to adopt any act which should prove nugatory. If it was true that the proceedings had been remitted to the court to be remodelled, and were not in the possession of the Executive, then the adoption of the resolution would be nugatory, and could lead to no result. He thought that that fact presented a proper subject for the preliminary inquiry of a committee. Mr. R. said that he agreed in opinion with the chairman of the Military Committee [Mr. BENTON] in thinking that it would be a violation of rule, and a usurpation of power, should the Senate ask for the proceedings of the court of inquiry before the final judgment of the President thereupon had been given. He thought, too, that the language of the resolution was a little too strong; but of that he did not pretend to be so good a judge, as it was rather a question for military gentlemen. He asked whether any case existed in which the opinion of a court martial had ever been called for till its final consummation by the President. He was, indeed, aware that there was a peculiarity in this case, from the fact that the opinion of the President had been expressed before the proceeding was finally closed. How far that might take the case out of the general rule, he was not prepared to say, unlearned as he was in military affairs. He hoped he had not been betrayed into too ardent an expression of the feelings he cherished towards General Scott, whose character he considered as forming a prominent part in the history of the republic, as well as of the moral riches of that Commonwealth it was his honor to represent. He could entertain no doubt, whatever might be the personal opinion of the President, that public sentiment would do General Scott ample justice. In the mean while, Mr. R. had no wish to mix up a military question with the fleeting contests of party, and his main solicitude was to prevent this. But a little delay would be incurred, should the Senate delay its action on this subject, as the proceedings had been remitted to the court, not for the purpose of having additional evidence taken, but only that the evidence now in possession of the court should be collated, and the conclusion deduced from the facts of the case. Full and complete testimony must have been already taken, and the digesting of it could occupy but a few days. The whole would then be returned to the President, and Mr. R. felt assured that no unreasonable delay would afterwards be suffered to take place. The reputation of General Scott was of too durable a material to be affected by this short delay. While Mr. R. yielded to none in patriotic and personal solicitude to vindicate that officer from every unjust charge against him, he was anxious that course should be pursued which should most readily evolve the unbiased opinion of the whole nation upon his character and conduct. It seemed to him most proper, especially as the Senator from South Carolina, [Mr. PRESTON,] who had moved the resolution, was himself a member of the Military Committee, that the resolution should be referred to that committee. He considered this as the course which would best consult the permanent fame of General Scott, and, in that belief, should vote for the commitment.

Mr. CUTHBERT observed that it was by no means an uncommon thing that mere personal considerations should operate to retard debate, but, in his own case, he had no desire that this should happen. The Senate were fully capable of understanding what had been already said, and there could be no need to repeat it. He was willing that the resolution should take either of the courses which had been proposed. He had no objection to its being referred, and he was willing that it should be laid upon the table. He had risen now to offer but a single observation. The Senator from South Carolina had taken up the paper containing the finding of the court, and, reading one sentence after another, had asked, is not this a fact? and is not this a fact? Mr. C. replied, no. It was the expression of an opinion deduced from a mass of facts. It stated the opinion of the court, and nothing more. Was this good ground for such a report as the President demanded? His friend was of opinion that, in respect to General Jesup, the court had done nothing but what they were warranted to do. Mr. C. thought in this he erred. Was it the practice of courts to deliver strong opinions of censure on the character of witnesses who testified before them? He believed not. General Jesup had ap-

peared before the court only as a witness. The court had a right to say, if so, they thought his allegations were not sustained, but they had no right to pronounce a severe censure upon his conduct.

Mr. STRANGE made some remarks. He was understood to say that he apprehended much danger of the Senate's getting into a political dispute on a military question. The chief complaint of the Senator from South Carolina [Mr. PRESTON] was, that the President had published. But what had he published? That which could injure any one? Had he refused to sanction the sentence of the court, and given no reasons for the refusal? If he had done this, there might have been ground for complaint. But the President had not so much as declared that he did dissent from the sentence. All he had said was, that he could not confirm, for want of a more distinct statement of the facts. Until these were laid before him, he could not form a judgment whether the decision of the court had been right or wrong. The court themselves admitted that there had been a delay. Mr. S. did not say by whom it had been occasoined. The President, by sending back the proceedings, had occasioned no delay that was improper. As a judicial officer, he could not hasten to judgment. It was true that the President complained that the court had gone out of their way to censure General Jesup, but it certainly did not lie in the mouth of the defenders of General Scott to complain that the President protected General Jesup. Believing that any interference by the Senate would only operate to injure General Scott, I move to lay the resolution on the table.

The question being immediately put, it was negatived: Ayes 17, noes 23.

Mr. PRESTON asked, when the President received General Jesup's letter, accusing General Scott, did he send that back, and call for the testimony? No. Although the letter neces-arily opened the way for the promotion of him that wrote it, and was therefore liable to every possible suspicion which personal interest could create, the President called for no testimony in that case. General Scott was instantly superseded, and transferred to Frederick, while the informer against him was raised to his place; but now, when the court found that the character of General Jesup was involved, and his allegations unsustained, General Scott was hung up in prolonged suspense, while the President called for testimony. General Scott had been acquitted, but, instead of being restored to his station at the head of an advancing army, he must wait for testimony. Mr. P. said he was glad to see the President of the United States cautious of the reputation of officers in the United States army; but it was a most extraordinary spectacle to see the commander-in-chief of an army thus seized upon, at the suggestion of a private letter; and then, when the court of inquiry ventured to suggest any thing against his second in command, they are immediately censured, and their sentence sent back to them. Had a letter been sent to the editor of the Globe, secretly assailing the character and conduct of General Jesup, and the court had expressed its disapprobation of General Scott for such a course, would it have incurred the same measure of presidential displeasure? Mr. P. could well comprehend the feeling which had elicited this expression of indignant feeling from the officers who composed that court of inquiry. Honorable men felt jealous of the characters of high military commanders, and felt themselves called upon by duty to express their opinion of one who could secretly assail them. Yet, the moment they do so, the Senate are reminded of the sacredness of individual character. Where was the sacredness of military character when General Scott had been hurled from his command on the letter of an informer, and for three months subjected to all the vexation and delays of a military prosecution, when no human being, acquainted with the facts of the case, believed that the slightest blame could justly attach to him? He had been accused of having too much military learning, and of too much strategy in the planning of his campaign; but what had the course of the campaign since then demonstrated? History had vindicated the correctness of his views; every failure which had since occurred contributed its proof to the same point. The course of those who had superseded him led to the same conclusion. The existing state of things was precisely that which General Scott had predicted; and those now in command were walking in the very steps which Scott had said they would be compelled to pursue. Every movement in Florida had but confirmed his military knowledge, and fulfilled that which his military foresight had predicted. There remained against his conduct not the shadow of a shade.

Mr. CUTHBERT said he should not reply to the Senator from South Carolina. He was merely desirous that that course should be pursued which would, in the end, be most beneficial to the cause of his friend. The Senator had spoken of General Scott as General Scott of Chippeway; and was not General Jesup Jesup of Chippeway? He had spoken of him as General Scott of Bridgewater; but did he forget that General Jesup was also General Jesup of Bridgewater? A braver or more thoroughly honest man breathed not the breath of life.

Mr. PRESTON said he had not compared the men. He had compared the conduct of the President to the two.

The question was now put on referring the resolution to the Committee on Military Affairs, and decided in the affirmative: Ayes 28, noes not counted.

R. W. MEADE.

On motion of Mr. KENT, the Senate proceeded to the further consideration of the bill for the relief of the executrix of Richard W. Meade.

Mr. CLAYTON addressed the Senate at length, in opposition to the bill.

A long discussion followed, in which Messrs. HUBBARD, BLACK, CLAY, DAVIS, and WALKER, participated.

Mr. HUBBARD moved to amend the bill by striking out the second section, and inserting a provision that the board constituted by the bill should examine the claim, and report the result to the Senate, with the reasons therefor, at the next session of Congress.

Mr. BLACK moved to amend this amendment, so that the award of the commissioners, if any, should be paid to the claimant by the Secretary of the Treasury; and if nothing should be found due to the claimant, the board should then report, &c.

This amendment was adopted: Yeas 25, nays 15.

The amendment, as amended, was adopted, and the bill was passed by the following vote, the yeas and nays having been ordered on the call of Mr. HUBBARD:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Kent, King of Georgia, Knight, Linn, Mouton, Nicholas, Niles, Norvell, Rives, Sevier, Southard, Spence, Swift, Tallmadge, Walker, Wall—28.

NAYS—Messrs. Calhoun, Clayton, Dana, Davis, Hendricks, Hubbard, King of Alabama, Moore, Page, Parker, Prentiss, Robbins, Robinson, Strange, Tipton, Tomlinson, Wright—17.

REMISSION OF DUTIES.

Mr. WRIGHT said he arose to ask a favor of the Senate. It was late, and he knew well the body was already wearied with the labors of the day; but hoped a compliance with his request would not protract the ses-

sion materially, or prove a heavy tax upon the patience of the members present. He moved that Senate bill No. 88, entitled "A bill to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New York," be now taken up, and that the orders of the day, general and special, previous to that bill, be postponed for that purpose. Mr. W. said he would make a single remark, as applicable to his motion. The bill contained a single principle: that of remitting or refunding the duties upon goods burned in the original packages, as imported. To the details of the bill he believed no Senator would find any objection, and he was now desirous to make a few amendments, purely of detail, and let the bill pass informally, if it should be the preference of the Senate, to its engrossment; and, upon the third reading, the principle of the bill might be considered and discussed. He did not propose to bring on that discussion now, and, should the Senate gratify him by taking up the bill, he would promise not to occupy its time this evening by debate.

The question was put, and the bill taken up for consideration.

Mr. WRIGHT then moved several amendments, all of which were adopted, and all of which he said were offered in pursuance of suggestions made to him by the most respectable committee now in attendance in behalf of the suffering merchants, or by the persons whom it was proposed to constitute commissioners for adjudication upon these claims. These persons were the district attorney of the United States for the southern district of New York, the collector of the port of New York, and the naval officer of the said port.

The bill, as originally drawn and reported by the committee, required that all the claims should be examined, and the testimony and judgment of the commissioners returned to the Secretary of the Treasury, and acted upon by him, before any claim could be paid. The object of the first several amendments he had offered was to permit the commissioners to return to the Secretary the testimony taken before them, and their decisions upon any one or more of the claims at any time, that the Secretary may act upon them, and permit the certificates to issue, while other claims shall be in the course of investigation.

In addition to these amendments, he had offered two additional sections to the bill. The first of those sections was to extend to such goods as had been partially (but not entirely) destroyed in the original packages the provisions of the bill, and a relief to the owners of such goods proportioned to the damage and destruction caused by the same conflagration. If the principle of the bill was sound, he could see no reason why that principle should not be extended to these partial sufferers, in proportion to their losses, as well as to those whose property had been totally destroyed; and the section contained an express prohibition against its extension to goods damaged or destroyed after the packages had been broken and the goods taken therefrom.

The other section, Mr. W. said, was an authority to the commissioners to employ a clerk, who should be paid out of the public Treasury. It had been suggested to him to provide in the bill for payment to the commissioners for their services. These persons were all officers of the Government, and two of them, the collector and naval officer, salary officers; and although the district attorney stood upon a somewhat different footing, he had concluded, after mature reflection, that it was not best to incorporate into this bill any provision for the compensation of any of these officers. It was impossible to say what amount of labor it would impose upon them, or how much of their time would be required in the performance of the duty imposed. Knowing those officers personally as he did, he had the fullest confidence that they would all cheerfully discharge the duties imposed upon them by the bill, and that without any previous provision for compensation beyond that pertaining to their existing offices. When the services shall have been performed, and the labor can be perfectly known, Congress can act with certainty in the matter. That these commissioners, however, would require a competent clerk, would be apparent to every one. The claims were numerous, and the proofs might be voluminous. The returns to the Secretary of the Treasury, required by the bill, would require entire copies of many, if not all, the papers before the commissioners, and the issuing of the certificates provided for would require great clerical labor. Hence he had proposed the provision for a clerk.

These amendments having been adopted, Mr. CALHOUN inquired of Mr. WRIGHT if he could state about the amount of the claims which would be presented under the bill?

Mr. WRIGHT replied that he thanked the Senator from South Carolina for making the inquiry. It had not been, and was not now, his object to discuss the bill, but the inquiry made it his duty to state that a list of the claims, containing the names of the claimants and the amount of each claim, had been furnished to the committee, had been by the committee presented to the Senate with their report of the bill, and was now upon the printed files of every Senator. From the statement, it appeared that there were one hundred and thirty-six individuals and firms claiming a return of duties upon goods destroyed in original packages, and that the amount of their claims, in the whole, was $418,747 39. The number and amount of these claims had been thus obtained. Immediately after the fire, a large committee of merchants had been appointed, to inquire and ascertain, as far as that could be done, the amount of losses, and the names of the sufferers. At that time a list of the sufferers, supposed to be nearly perfect, was made. In December, now last past, that committee had made a call, by a publication in the newspapers of the city, upon all persons who had claims for remission of duties upon goods burned, to come in and authenticate their claims, with a view to their presentation to Congress. These one hundred and thirty-six individuals and firms had appeared, and verified their claims by the affidavits of the respective claimants, which affidavits were now before the Senate with the bill under consideration. These were claims exclusively for goods destroyed in original packages as imported—the only class of claims provided for in the bill. In addition to this list, (Mr. W. said,) he was informed there was another claim, amounting to about $70,000, which was not now presented to Congress, because the subject of the goods destroyed was in litigation between the city of New York and the owners. These were goods destroyed by blowing up with powder the buildings in which they were stored, to arrest the progress of the fire. The buildings were blown up by the order of the authorities of the city, and the owners of the goods thus destroyed were claiming from the city entire compensation for their losses. They therefore could not now come before Congress to ask a remission of duties. The city was resisting these claims against it; and, until a decision of the litigation, it could not be known which of the parties would be entitled to the remission. Still, he was informed that a claim, to the extent he had named, existed in consequence of the destruction of these goods; and it could not be important to the United States how the litigation should terminate, as neither the amount nor character of the claim upon this Government would be thereby altered. This (Mr. W. said) would make the amount of these claims about $500,000--between $490,000 and $500,000.

There was another uncertainty as to the amount, which

he would here mention. Certain individuals and firms, who filed with the committee of merchants claims for remission of duties last year, had not yet appeared, in pursuance of the call made in December last, to authenticate their claims. He had already stated that 136 individuals and firms had appeared and testified to claims amounting to $418,000, as the duties upon goods destroyed in unbroken packages as imported. In addition to these, 97 individuals and firms had appeared and testified in the same manner to claims amounting to $156,394 57, as the duties paid and payable upon goods destroyed after the packages had been broken and the goods distributed in the shops. No provision was made or proposed for this class of claims. Mr. W. said it was matter of deep regret to him that these claimants could not be relieved; but the Committee on Finance had not believed it safe or wise to extend the principle of the bill to any other than goods destroyed in unbroken packages. In addition to these, there were found upon the list of claimants, prepared immediately after the fire, the names of 32 individuals and firms who had not appeared to authenticate their claims in any manner. From the former list it was ascertained that the amount of claims preferred by these 32 houses was $67,976 42; but as it was impossible to say what portion of the sum was for duties on unbroken and what on broken packages, it was not in his power to say how much these claims would add to the amount to be drawn from the public Treasury, if the bill under consideration should become a law.

Mr. CLAY here suggested adding a proviso to some proper section of the bill, that no more than a given amount of money should be drawn from the Treasury under it, and proposed to fix that amount at $500,000.

Mr. WRIGHT said if the honorable Senator would make the sum $600,000, as he hoped he would, he would accept the amendment as proposed.

After some little conversation,

Mr. CLAY adopted Mr. WRIGHT's suggestion, and moved the proviso, limiting the amount to $600,000.

Mr. CLAYTON objected to any limitation; and, upon taking the vote, the amendment was negatived; when the bill was ordered to be engrossed for a third reading.

[The bill was read the third time on the next day, passed, and sent to the House for concurrence.]

The Senate then adjourned.

SATURDAY, FEBRUARY 18.

Mr. BENTON presented the credentials of Hon. LEWIS F. LINN, re-elected a Senator of the United States from the State of Missouri, for six years from and after the 4th of March next.

PAPERS OF MR. MADISON.

On motion of Mr. ROBBINS, the joint resolution authorizing the purchase of the manuscripts of the late President Madison was taken up and considered.

Mr. ROBBINS rose and spoke as follows:

Mr. President: I consider this work of Mr. Madison, now proposed to be given to the world under the patronage of this Government, as the most valuable one to mankind that has appeared since the days when Bacon gave to the world his *Novum Organon*. That produced that revolution in analytics, which has produced the immense superiority of the moderns over the ancients in the knowledge of nature, and in the improvement of the condition of human life—the fruit of that knowledge. With Bacon it was a mere theory; a theory, however, which he fondly cherished, and confidently believed would be prolific, as it has been, of the most magnificent results; but in the hands of Newton, and of his other disciples and followers, it became a practical guide to those astonishing discoveries which, in their consequences, have, among other things, converted those elements of nature before supposed to be, only to be controlled by the same Almighty hand which formed them, into the ministers and agents of man, obedient to his will, and subservient to his use. It has enabled man to draw the veil from the face of nature; to inspect her mechanism; and to avail himself of her principles for the augmentation of his own power. It has given him power after power; and is still going on to give him power upon power, as his researches go on in exploring her boundless fields, and in making discovery upon discovery; and to this growing increase of human power, no human being can now assign the possible limits. True, it has not enabled man, as it was fabled of him by the poets of old, to steal the fire from the heavens; but it has enabled him to do more and better—it has enabled him to become an humble pupil in the school of the Divine Artist; and, by studying his models, to copy his agencies, though at the immeasurable distance which separates a finite from the Infinite Being.

As this Organon of Bacon has been the beacon-light to mankind to guide him to the true philosophy, and to the improvement of his physical condition, so will this work of Madison, as I trust and predict, be his beacon-light to guide him to the true science of free government, and to the improvement of his political condition. The science of free government, the most difficult of all the sciences, by far the most difficult, while it is the most important to mankind; of all the slowest in growth, the latest in maturity. Not the science which has penetrated the causes and explained to mankind the phenomena of the heavens is so difficult; that has been found of easier and more rapid attainment. Indeed, the difficulties to be overcome in evolving this science are so great, that we are to wonder less at its tardy advances, than at its final success. In the first place, it requires the deepest and most perfect insight into the nature of man: of man not only in his general nature, but as modified by society; which every where has superinduced and clothed him with a second nature, denominated habit; and that as diversified as the countries he inhabits. Then it requires that faculty of comprehensive combination, which is the rarest of all the gifts of God to man, and which, whenever and wherever it appears, seems destined to produce an era in human affairs; a faculty of combining into a whole, where the elements to be combined are so various as to be almost infinite; a whole perfect in relation to all its parts, and its parts perfect in relation to the whole. Besides, the perfect model of the free government is not like the perfect model of any other science. Of every other science, the perfect model any where is the perfect model every where, and every where alike perfect. The perfect watch at Washington, for instance, is the perfect watch at Canton, and so all over the globe; but not so the perfect model of the free government: that, though the principles are the same every where, the form varies as the circumstances vary, of the people by whom it is established; to which circumstances it must always be adjusted and made to conform.

Here, with us, the difficulties to be overcome in this achievement, from the nature of the elements to be combined, were stupendously great. In looking back to those difficulties, that they were overcome at all appears to me now little less than a prodigy; and it still fills me with astonishment. For here a combination was required that would produce a structure, perfectly anomalous in the history of human Governments; and such a structure was produced, and as perfect as it was novel. Here were a people, spread and spreading over a vast territory—that stretching and to stretch almost from the rising to the setting sun—this scattered and countless multitude were to be ruled in freedom as one

people, and by the popular will—that will to be uncontrolled in itself, and controlling every thing. Such an achievement, the most enlightened friends of freedom and human rights, in all countries and in all ages, had deemed to be morally and physically impossible. Besides, here were thirteen States, and all the other States to be formed out of that vast territory, without being destroyed as States, to be so combined as to form, in the general aspect, but one simple Government; with all the unity and energy of one simple Government; powerful alike to assert and maintain all their rights as a nation, against all other nations; and the rights of every individual, all over this boundless domain, against every aggressor; that is, a Government equally fitted and efficient for all the purposes of peace and war. Such an achievement, often before, and under much more favorable circumstances, because upon a much more limited scale, had been attempted, but never before accomplished; as is but too well attested by the histories and the destinies of all the confederacies that before had ever existed on the earth.

Those confederacies had all proved signal failures as effective Governments, both in war and peace; and entirely for the want of that form of structure and principle of combination that would reconcile absolute sovereignty in the nation with sovereignty in the States, as parts of one nation—as consistent and harmonious parts of one supreme sovereignty. This principle, unexplored and unknown before, was developed and displayed, most happily so, in the structure of our confederate and national republic.

This work now proposed to be published will unfold to us all the steps of that diversified analysis and discovery which lead to this happy and splendid result.

Those who think (if any think) that the result itself—namely, the constitution—of itself and by itself, will be enough for the instruction of mankind on this subject, are much mistaken. For there is a vast difference between the knowledge which is acquired analytically, and that which is acquired synthetically; the latter is but isolated knowledge; the former is knowledge that is the consequence of other knowledge. Synthesis gives to us a general truth, but acquired in a mode that is barren of other fruit; analysis not only gives to us the same general truth, but puts us on the track of invention and discovery, and is always fertile of other and often of better fruit; synthesis carries us to a fountain head, but never beyond; but analysis carries us beyond, and to the fountain of that fountain; it places us upon an eminence that overtops and overlooks the general truth in the wide survey it commands and gives to us; and as to that general truth, it enables us not only to comprehend it more perfectly, but to apply it more successfully. This is at once a branch and the great instrument of that primal philosophy of which Bacon speaks, and whose cultivation he so highly recommends—the philosophy of philosophy; the common mother of all the sciences, and by which alone their boundaries can be extended. He compares it to the Berecynthia, whom the poets of old fabled to be the mother of all the gods:

> "Omnes cælicolas, omnes supera alta
> Tenentes."

Of such is the nature, and such will be the fruits to mankind, of the work now proposed to be given to the world.

Further to awaken our sensibility on this subject, I need not remind the Senate how much we owe to a name that is to render the name of this country respectable in every other on this globe; the *clarum et venerabile nomen*. Nations have lived upon the earth who have become extinct, and been lost to the memory of mankind; but never when the *clarum et venerabile nomen* had illustrated their annals. The *clarum et venerabile nomen* is the true elixir of national immortality. What has this country, what can she ever have, that would be an equivalent to her in exchange for the name of her Washington? that star of stars in the diadems that sparkle on the brow of nations? Not the diadem that sparkles on the brow of Greece, not the diadem that sparkles on the brow of Rome, has one of equal brilliancy. No; it stands peerless on the earth, and alone in glory. Though it can never be a contest whose name is to do the most honor to our country, and, more than all others, to carry her name, associated with his, and emblazoned by his, down through all the endless generations of mankind to follow, for all the endless ages of time to come, yet among the names to cluster around his, and to form the constellation (may it multiply to a galaxy) of American worthies, not one will ever shine with a purer, with a brighter, or more inextinguishable lustre than that of Madison.

If, then, this appropriation was merely to express a nation's gratitude to a nation's benefactor, it would be the least it would become her to make. But, besides that, we are to consider that it is to purchase for this country, and for mankind, a treasure of instruction, whose value no money can measure, no figures can express.

Mr. CALHOUN said that he had listened with pleasure and delight to the venerable gentleman from Rhode Island, [Mr. ROBBINS,] and he coincided in opinion with him, that we were indebted to Mr. Madison, at least as much as to any other man, for the form of government under which we live. Indeed, he might be said to have done more for our institutions than any man now living, or that had gone before him.

A great and efficient aid he was, undoubtedly, in forming the Government. But there was another great act, which would immortalize him in the eye of posterity—the profound and glorious views which he took of our Government in his celebrated Virginia report. In his opinion, that was by far the ablest document that issued from the pen of Mr. Madison—one from which Mr. C. had derived more information, and a profounder insight into our Government, than all the other documents he had perused.

Now, if he understood the object in view, it was in direct opposition to the great and fundamental principles of Mr. Madison himself, an adherence to which, he (Mr. C.) solemnly believed, would give durability to the Government under which we were now living.

He wished at some other time (as he was not prepared at this time) to be heard on the subject, when he would endeavor to satisfy the Senate that, in giving our assent to the appropriation asked for, we should not honor the name of Madison. Mr. C. would postpone what he had to say until the third reading of the resolution; and, in the mean time, Senators would have an opportunity of coming to a full understanding of the subject.

The resolution was then ordered to be engrossed for a third reading.

CHOCTAW RESERVATIONS.

The Senate proceeded to the consideration of the bill to adjust certain claims to reservations of land under the 14th article of the treaty of 1830, with the Choctaw Indians.

Mr. BLACK moved to amend the bill by striking out three of its sections, and substituting others in their place.

Mr. B. explained the circumstances of the case, which were in substance these. The Choctaw lands were obtained by the United States in virtue of a treaty held at Dancing Rabbit creek. It was not without great difficulty that that treaty was effected; the leading chiefs and the greater part of the nation being strenuously opposed

to ceding their lands and removing west of the Mississippi. They actually refused to treat, and left the ground, and the treaty was at last made with a comparatively small number of chiefs; nor could it have been effected at all, but for the insertion of an article which provided that such Choctaws as were desirous to remain, and should notify that desire within a given time to the United States agent, should have lands reserved for them, in the following proportion: every head of a family, one section; for every child over ten years of age, half a section; and for every child under ten years, a quarter of a section. The agent was a man of intemperate and careless habits; and when the Choctaws applied to him, giving notice of their intention to remain on their lands, he in some cases refused to receive the application, and in other cases to record it. Proclamation having been made for the sale of the lands, a number of these Indians, who supposed that they were safe in the possession of their lands, had the land sold from under them. Application was immediately made to the President of the United States, who, on being aware of the hardship of the case, issued an order reserving from sale enough land to make up to these Indians the loss they had sustained, and appointed an agent to locate these floating titles, subject to the subsequent decision of Congress. These locations were familiarly known by the title of contingent locations, and were laid down on the very best lands in the State of Mississippi. As soon as it came to be known that this provision was made for the satisfying of the claims of Choctaw Indians whose lands had been improperly sold, those claims became an object of eager speculation. Large speculating companies and subcompanies were formed, to take advantage of this state of things. Agents were sent by them across the Mississippi, to that portion of the nation which had removed under the treaty, and a large number of claims were collected from among them. All these claims were located on the banks of the Mississippi, or on rich bottoms and islands in the neighborhood of the bayous, and embraced some thousands of sections of the finest land in Mississippi. A bill had been introduced at the last session, by the Committee on Private Land Claims, the effect of which would be to confirm all these locations, and thus to sanction one of the most stupendous frauds which had been attempted since the days of the famous Yazoo scheme. The object of Mr. BLACK's amendment was so to alter the bill of the last year (which has not become a law) as to prevent the confirmation of these claims, and to provide for their examination, by a board of commissioners, before whom the Choctaws were to prove their claims in person, and which declared all previous sales of their floating rights null and void.

Mr. B. said he was willing to modify his amendment, if it was thought best, so as to allow to the Indians who should make good their rights before the commissioners the amount in money for which their lands were sold.

Mr. EWING, of Ohio, advocated the amendment, though he considered it as not sufficiently guarded.

Mr. BAYARD replied at length, vindicating the bill as reported last year by the Committee on Private Land Claims, (to which he belongs.) He contended that the bill did no more than fulfil the treaty stipulation to which the faith of the United States had been pledged. The Indians who wished to remain were entitled to the amount of land which that treaty gave them. By the gross and oppressive misconduct of our own agent, they had been deprived of these rights, and turned out of house and home, when reposing on the good faith of this Government. It was indispensable that somebody should have taken up their cause, and made an effort to get them justice; and it was rather too much to expect that persons who had gone to great trouble and expense for that purpose should be so very disinterested as not to require some share in the land which, but for them, would have been lost entirely. He denied, however, that the bill of the last session went unconditionally to confirm the contingent locations. It appointed a board of commissioners, before whom the rights of the Indians must be substantiated by competent proof, such as would be received at common law, before a court of justice. He disclaimed all desire to encourage speculation, or foster speculators on Indian rights; and he therefore introduced several amendments into the bill, with a view to obviate the evils which Mr. BLACK had stated; one of which provided that the land to be given to the Indian in exchange for that of which he had been deprived should not greatly exceed it in value. Another of them declared all compacts made by the Indians for the disposal of these claims to be null and void, and reserved a decision upon them until the next session of Congress.

Mr. WALKER, in pursuance of instructions from the Legislature of Mississippi, strenuously opposed the bill as reported by the committee. He also opposed the amendments proposed by Mr. BAYARD, greatly preferring that of his colleague, [Mr. BLACK,] on which he demanded the yeas and nays.

Mr. PRESTON, after a course of general observations on the practical difficulty and even impossibility of making any arrangement in favor of these Indians which would not immediately be seized upon by the superior sagacity of the whites, and converted to their own advantage, suggested that the best plan of getting rid of the whole difficulty would be to allow the Choctaws, who had been unjustly deprived of their lands, to enter the same quantity in any lands of the United States subject to private entry; not that he had the least idea that they would hold these lands, for he had no doubt that, before a year was passed, they would all be converted into money, which money would all be expended in a drunken frolic. But this would satisfy the claims of justice on the Government, and those Choctaws would then be left to follow the destiny of the residue of their tribe, who had gone west of the Mississippi river.

Mr. WHITE thought the most prudent course would be to appoint a board of commissioners to make diligent inquiry into the facts of the case; the number of heads of families; the number of their children over and under ten years of age; the notification of their intention to remain; the lands they had occupied, and the prices at which those lands had sold; and to make a full and accurate return to Congress; and let Congress decide on the whole case, as thus presented.

[The above presents a concise view of the substance of a debate of a protracted and desultory character, which occupied the Senate till a late hour.]

The bill was then laid over till Monday.

THE UNITED STATES AND MEXICO.

Mr. BUCHANAN, from the Committee on Foreign Relations, presented the following report:

The Committee on Foreign Relations, to whom was referred the message of the President of the United States of the 6th instant, with the accompanying documents, on the subject of the present state of our relations with Mexico, report:

That they have given to this subject that serious and deliberate consideration which its importance demands, and which any circumstances calculated to interrupt our friendly relations with the Mexican republic would necessarily insure. From the documents submitted to the committee, it appears that, ever since the revolution of 1822, which separated Mexico from Spain, and even for some years before, the United States have had repeated causes of just complaint against the Mexican authorities. From time to time, as these insults and injuries have occurred, demands for satisfaction and redress have been

made by our successive public ministers at the city of Mexico; but almost all these demands have hitherto proved unavailing.

It might have been expected that, after the date of the treaty of amity, commerce, and navigation, concluded between the two republics on the fifth day of April, one thousand eight hundred and thirty-one, these causes of complaint would have ceased to exist. That treaty so clearly defines the rights and the duties of the respective parties, that it seems almost impossible to misunderstand or to mistake them. The committee, notwithstanding, regret to be compelled to state that all the causes of complaint against Mexico, which have been specially noticed in the correspondence referred to them, have occurred since the conclusion of this treaty.

We forbear from entering into any minute detail of our grievances. The enumeration of each individual case, with its attendant circumstances, even if the committee were in possession of sufficient materials to make such a compilation, is rendered unnecessary, from the view which they have taken of the subject. These cases are all referred to in the document No. 81, entitled "Claims on Mexico," in the letter of instructions from Mr. Forsyth to Mr. Ellis of the 20th of July, 1836, and in the subsequent correspondence between Mr. Ellis and Mr. Monasterio, the acting Mexican Minister of Foreign Affairs.

If the Government of the United States were disposed to exact strict and prompt redress from Mexico, your committee might, with justice, recommend an immediate resort to war or reprisals. On this subject, however, they give their hearty assent to the following sentiments, contained in the message of the President. He says: "The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, and upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands."

In affording this opportunity to the Mexican Government, the committee would suggest the propriety of pursuing the form required by the 34th article of the treaty with Mexico, in all cases to which it may be applicable. This article provides that "if (what, indeed, cannot be expected) any of the articles contained in the present treaty shall be violated or infracted in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaint of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed."

After such a demand, should prompt justice be refused by the Mexican Government, we may appeal to all nations, not only for the equity and moderation with which we shall have acted towards a sister republic, but for the necessity which will then compel us to seek redress for our wrongs, either by actual war or by reprisals. The subject will then be presented before Congress at the commencement of the next session, in a clear and distinct form, and the committee cannot doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country, and insure ample reparation to our injured fellow-citizens. They leave the mode and manner of making this demand to the President of the United States.

Before concluding their report, the committee deem it necessary to submit a few remarks upon the conduct of Mr. Gorostiza, the late envoy extraordinary and minister plenipotentiary of the Mexican republic to the United States. In regard to that functionary, they concur fully in opinion with Mr. Forsyth, that he was under the influence of prejudices which distorted and discolored every object which he saw whilst in this country. On the 15th of October, 1836, he terminated his mission by demanding his passports. And for what reason? Because the President refused to recall the orders which he had issued to the general commanding the forces of the United States in the vicinity of Texas, directing him to pass the frontier, should it be found a necessary measure of self-defence; but prohibiting him from pursuing this course unless the Indians were actually engaged in hostilities against the citizens of the United States, or he had undoubted evidence that such hostilities were intended, and were actually preparing within the Mexican territory.

A civil war was then raging in Texas. The Texian troops occupied positions between the forces of Mexico and the warlike and restless tribes of Indians along the frontiers of the United States. It was manifest that Mexico could not possibly restrain by force these tribes within her limits from hostile incursions upon the inhabitants of the United States, as she had engaged to do by the 33d article of the treaty. No matter how strong may have been her inclination, the ability was entirely wanting. Under such circumstances, what became the duty of the President of the United States? If he entertained reasonable apprehensions that these savages meditated an attack from the Mexican territory against the defenceless citizens along our frontier, was he obliged to order our troops to stand upon the line, and wait until the Indians, who know no rule of warfare but indiscriminate carnage and plunder, should actually invade our territory? To state the proposition is to answer the question. Under such circumstances, our forces had a right, both by the law of nations and the great and universal law of self-defence, to take a position in advance of our frontier, in the country inhabited by these savages, for the purpose of preventing and restraining their incursions.

The Sabine is so distant from Washington that it became absolutely necessary to intrust this discretionary power to the commanding general. If the President had not issued such orders in advance, all the evils might have been inflicted before the remedy could have been applied; and in that event he would have been justly responsible for the murders and devastation which might have been committed by the Mexican Indians on citizens of the United States.

When these discretionary orders were issued to General Gaines, they were immediately communicated to Mr. Gorostiza, in the most frank and friendly spirit. The fullest explanations of the whole proceeding were made to him, and he was over and over again assured that this occupation of the Mexican territory, should it become necessary, would be of a limited, temporary, and purely defensive character, and should continue no longer than the danger existed; that the President solemnly disclaimed any intention of occupying the territory beyond the Sabine, with the view of taking possession of it as belonging to the United States; and that this military movement should produce no effect whatever upon the boundary question.

The committee believe that Mr. Gorostiza ought to have been satisfied with these explanations. But they

failed to produce any effect upon his mind. Without instructions from his Government, he retired from his mission upon his own responsibility. This was not all. Before he left the United States he published a pamphlet, containing a portion of his correspondence with our Government and with his own, from which latter it appears that, whilst engaged upon the business of his special mission here, he was making charges of bad faith against the United States to the Mexican Secretary of Foreign Relations. The committee will not enlarge upon the glaring impropriety of such conduct. The publication of such a pamphlet by a foreign minister, in the country to which he has been accredited, before taking his departure, can be considered in no other light than as an appeal to the people against the acts of their own Government. It was a gross violation of that diplomatic courtesy which ought ever to be observed between independent nations, and deserves the severest condemnation. This act was still more extraordinary when we consider that it almost immediately followed the note of Mr. Dickins to him, of the 20th October, 1836, assuring him that the President would instruct Mr. Ellis to make such explanations to the Mexican Government, of the conduct of that of the United States, as he believed would be satisfactory.

The committee regret to learn, from the note of Mr. Ellis to Mr. Forsyth of the 9th of December last, that the Mexican Government has publicly approved of the conduct of its minister whilst in the United States. They trust that a returning sense of justice may induce it to reconsider this determination. They are willing to believe that it never could have been made, had that Government previously received the promised explanation of the President, contained in the letter of Mr. Forsyth to Mr. Ellis of the 10th December, 1836, which, unfortunately, did not reach Mexico until after the latter had taken his departure. This letter, with the President's message at the commencement of the present session of Congress, cannot fail to convince the Mexican Government how much they have been misled by the representations of their minister.

After a full consideration of all the circumstances, the committee recommend the adoption of the following resolution:

Resolved, That the Senate concur in opinion with the President of the United States, that another demand ought to be made for the redress of our grievances from the Mexican Government, the mode and manner of which, under the 34th article of the treaty, so far as it may be applicable, are properly confided to his discretion. They cannot doubt, from the justice of our claims, that this demand will result in speedy redress; but should they be disappointed in this reasonable expectation, a state of things will then have occurred which will make it the imperative duty of Congress promptly to consider what further measures may be required by the honor of the nation and the rights of our injured fellow-citizens.

Ordered, That 2,000 extra copies of the above report be printed.

And then the Senate adjourned.

MONDAY, FEBRUARY 20.

COPY-RIGHT LAWS.

Among the memorials presented to day was one by Mr. CLAY, from a very large number of persons, who stated themselves to be American authors and friends of literature, calling the attention of Congress to the subject of copy-right laws, and expressing an anxious wish that those laws might be so modified as to extend their benefits to foreign authors. Mr. C. further remarked that the evidences in favor of the measure of granting copy-rights to foreign authors were so strong as not to leave a doubt on any mind of its favorable reception by the country. Under these circumstances, he said he should call up the bill granting such rights as soon as convenient. The memorial was laid on the table, and ordered to be printed.

PAPERS OF MR. MADISON.

The Senate proceeded to the consideration (on its third reading) of the following joint resolution:

"*Resolved, &c.*, That the Joint Committee on the Library be, and they are hereby, authorized and empowered to contract for and purchase, at the sum of thirty thousand dollars, the manuscripts of the late Mr. Madison, referred to in a letter from Mrs. Madison to the President of the United States, dated the fifteenth of November, eighteen hundred and thirty-six, and communicated in his message of the sixth of December, eighteen hundred and thirty-six, conceding to Mrs. Madison the right to use copies of the said manuscript in foreign countries as she may think fit."

Mr. CALHOUN said this resolution from the Committee on the Library proposed to appropriate $30,000 to accomplish the object proposed. The facts, he said, were these: Mr. Madison, under the impression that these papers would be favorably received by the public and by publishers, had levied several legacies upon them, one of some thousands of dollars to the Colonization Society, and some smaller ones to other public charities, in addition to some private bequests. But, so far from his anticipations having been realized, it seemed that Mrs. Madison was unprepared to run the risk of publishing them at all, and on this account had applied to the President in relation to them. He had recommended to Congress to purchase them; and the Committee on the Library had consequently made this report.

Every one (Mr. C. said) was ready to render to the memory of Mr. Madison all possible respect. But the questions involved in this case were of a constitutional character, and it was therefore impossible for Mr. C. to vote for the proposition. The question was, have Congress the right to make this appropriation? The constitution gives Congress the power to lay and collect taxes, to pay the debts of the Government, and to provide for the common defence and general welfare. It was under this provision of the constitution that Mr. C. understood this appropriation was to be made.

In reference to this clause of the constitution there had long been a diversity of opinion. From the very commencement of the Government, the two great parties in the country were divided upon it. One of these parties conceived that, by these words in the constitution, Congress had the right, in promoting the general welfare, to appropriate money to any and every object which they believed would be conducive to the promotion of the general welfare. The other party, at the head of which was Mr. Madison himself, believed this power was limited by the constitution, and that Congress have no right to make an appropriation, unless authorized to do so by a specific provision of the constitution. These two schools had existed from an early stage of the Government to the present time. Mr. Madison, in his celebrated report of 1799, had given his views on the subject, in the most clear and conclusive language, which required not one word from Mr. C. He would ask the Secretary to read the passage on the 23d, 24th, 25th, 26th, and 27th pages of the report.

[The Secretary then read the passage indicated by Mr. CALHOUN.]

Here, Mr. C. said, Mr. Madison, by a very able argument, had proved, beyond all controversy, that Congress has the power only to make specific grants, and that no more than specific powers are vested in them by that clause of the constitution. The opposite doctrine

involved unlimited power in the possession of Congress. Mr. C. would not repeat the argument. Mr. Madison had also predicted what Mr. C. feared he should see fulfilled, that the opposite argument would lead to consolidation, or was consolidation itself, and that the consequent effect would be a monarchy. What was prediction in 1799, was already, Mr. C. said, in part realized. We had not yet arrived at the stage of monarchy, but the executive department was in a fair way of absorbing the whole powers of the system.

Mr. C. held it to be due to the memory of Mr. Madison, and to the powerful argument just read in his report, that questions of this kind should be considered with all possible caution. He had given his views of this portion of the constitution in the prime of his life and vigor of his manhood; and such views elevated Mr. Jefferson to the chief magistracy in the political revolution of 1800, and afterward elevated Mr. Madison himself. The fame of this illustrious man, and the debt which we owed him for all he did for our institutions, demanded that we should do nothing on the present occasion to show a want of respect for him or his sentiments.

The question now before the Senate, Mr. C. said, was whether Congress had the power to purchase the copy-right to Mr. Madison's papers, which, in the present state of political feelings, were regarded of little or no value in the money market. Mr. C. regarded it as truly deplorable, that these invaluable papers, which threw a light upon the constitution which had never been shed upon it before, should be deemed of no value by the public, absorbed with party politics and the low love of gain, so that such a work could not be published. But where, Mr. C. asked, was the special power in the constitution for Congress to publish such a work? This was a solemn question, the answer to which should be shown not by precedent, but by the constitution. The practice of Congress, Mr. C. said, had been most loose on this and all other points. But the real question was, whether there was such a power in the constitution. The chairman of the committee had not rested his argument on this, but on the broad general principle that these papers would throw a new and brilliant light upon our institutions, and constitute a new era in their history, and in the progress of the human mind; thus promoting the general welfare by the diffusion of intelligence, for which Congress had no authority in the constitution. Mr. C. felt that his position in opposition to this resolution was a painful one; but the opinions of Mr. Madison, which were the text book of Mr. C., and of those with whom he acted, demanded that he should not abandon it. He had spoken as briefly as possible, and wished chiefly for the opportunity of recording his vote against the proposition.

Mr. PRESTON said he concurred fully with his colleague in all the principles laid down in the celebrated report of Mr. Madison, as an argument upon the constitution; and he considered his refutation of the opposite doctrines, under the constitution, to have been unanswered, and were wholly unswerable. But, acquiescing fully in the views both of his colleague and of Mr. Madison, Mr. P. said he could still conscientiously vote for this resolution. On the grounds to which his colleague had alluded, this resolution ought not to pass. But Mr. P. believed they had no application whatever to the case in hand. In the examination of these papers, the committee came to this general result: that these papers were part and parcel of the constitution and of the muniments of our Government, being not only connected but in a manner identified with them, as much so as were the journals of the convention. These journals (he said) had been published by authority of an act of Congress in 1819, under the administration of Mr. Monroe, a man eminently devoted to the principles which his colleague had commended; a strict republican as to his political character; and this Mr. P. believed was done without the dissent of any party or any individual, and without the slighest objection.

Seeing that this was a proceeding of a republican Congress and a republican President, it was a subject of consideration with the committee, on what principle this whole country had yielded to the propriety of such a publication; and they concluded that it was a necessary portion, not only of our constitutional history, but of our constitutional existence. Now, (asked Mr. P.,) are these papers of the same character? They comprised the speeches of those who took an active part in the formation of the Government, and exhibited their views of that Government, taken down with the greatest possible accuracy and fulness; and the most remarkable speeches, after having been written out by Mr. Madison, were revised and corrected by the hand of Hamilton; so that the whole was a complete history of these transactions.

It was objected to these reports that they were not in fact official. But what right have Congress to publish the official proceedings of that body more than the unofficial? The publication of both proceeds on the same ground, that they are part and parcel of our frame of government, being an exposition of the views of those who formed the constitution, and, therefore, best showing its true meaning.

In the same way (Mr. P. said) Congress found it convenient to publish the journals of the old Congress under the confederation, and no one hesitated, on any side. And yet these papers had no more than a historical connexion with our present form of Government, and were by no means so free from objections, founded on the principles of Mr. Madison's report, as were the papers of Mr. Madison now in question.

There were still other precedents which might be relied on, and among them was the purchase by Congress of the papers of General Washington, at $25,000, without any serious objection. And there was another still more remarkable example in regard to our revolutionary history. Mr. P. also adduced some other precedents of less importance. He said the Library Committee would, in his view, have been entirely justified in purchasing, on their own authority, the papers of Mr. Madison, to deposite in the Library, if there had been no ulterior view to their publication.

Mrs. Madison had stated that the offers made her for the papers in question were not satisfactory. It was to be supposed they were not very great. But the committee did not feel themselves authorized to inquire what Mrs. Madison intended to do with the money which she might derive from the work. The proposition on her part was to sell thus much of her property to the Congress of the United States; and whether there were legacies on that fund or not was not for Congress to inquire. They might just as well ask whether the printer whom they employed would give away his money for this or that object, or whether he would spend it in gambling, drunkenness, or debauchery. For these things Congress were not responsible.

Mr. P. said he deemed the history of the Government as of very great value, and he felt extremely desirous that the greatest possible light should be thrown upon it; so strong was this feeling, as to cause in him some self-distrust as to his estimate of the very great value of the work now in question. But he was by no means disposed to construe the constitution merely by the words it contained, but he thought it exceedingly desirable to know the views and intentions of its framers, which must be regarded as the only true spirit of the instrument. Mr. P. made various other remarks, still further illustrating and enforcing his views.

Mr. WEBSTER said he supposed that there was no member of the Senate who regarded the sum proposed to be given for these manuscripts as too large, if the appropriation was within the just field of their constitutional powers. Now, what was the object of this appropriation? The Senate sat under a constitution which had now endured more than fifty years, and had been formed under very peculiar circumstances, under a great exigency, and in a manner that no constitution had ever been formed in any other country—on principles of united and yet divided legislation, altogether unexampled in the history of free States. Mr. W. agreed fully in the sentiment that the constant rule of interpretation to be applied to this instrument was, that its restrictions were contained in itself, and that it was to be made, as far as possible, its own interpreter. He also agreed that the practice under the Government, for a long course of years, and the opinions of those who both formed the instrument, and afterwards aided in carrying it into effect by laws passed under its authority, were to be the next ground of interpretation; and it seemed to him that the measure now proposed was of great importance, both in connexion with the constitution itself, and with the history of its interpretation. He should not now speak of the political opinions of Mr. Madison. He looked only to the general facts of the case. It was well known that the convention of great men who formed our constitution sat with closed doors; that no report of their proceedings was published at that time; and that their debates were listened to by none but themselves and the officers in attendance. We had, indeed, the official journal kept by their order. It was an important document, but it informed us only of their official acts. We got from it nothing whatever of the debates in that illustrious body. Besides this, there were only a few published sketches, more or less valuable. But the connexion of Mr. Madison with the constitution and the Government, and his profound knowledge of all that related to both, would necessarily give to any reports which he should have taken a superior claim to accuracy. It was his purpose, when he entered the body, to report its whole proceedings. He chose a position which best enabled him to do so; nor had he been absent a single day during the whole period of its sittings. It was further understood that his report of the leading speeches had been submitted to the members for correction. The fact was well known to them all that he was thus collecting materials for a detailed report of their proceedings. Without, therefore, having seen a page of these manuscripts, it was reasonable to conclude that they must contain matter not only highly interesting, but very useful; and it was his impression that, among this class of cases, the Senate could not better consult the wishes and interests of the American people than to let them see a document of this character, from the pen of such a man as Madison. That gentleman had been more connected with the constitution than almost any other individual. He had been present in that little assemblage that met at Annapolis in '86, with whom the idea of a convention originated. He was afterwards a member of the convention of Virginia, which ratified the constitution. He had then been a member of the first Congress, and had taken an important lead in the great duties of its legislation, under that constitution, in the formation of which he had acted so conspicuous a part. He had afterwards filled the important station of Secretary of State, and had subsequently been for eight years President of the United States. Thus, his whole life had been intimately connected, first with the formation, and then with the administration of the constitution.

Mr. W. said that he saw no constitutional objection to the purchase of these manuscripts. Why did Congress purchase every year works on history, geography, botany, metaphysics, and morals? How was it that they had purchased a collection of works of the most miscellaneous character from Mr. Jefferson? The manuscripts in question stood in a different relation. They related immediately and intimately to the nation's own affairs, and especially to the construction of that great instrument under which the Houses of Congress were now sitting. If the doctrine advanced by the Senator from South Carolina was to prevail, Congress ought forthwith to clear its library of every thing but the State Papers. Mr. W's views on the constitution were well known; whether an inspection of these papers would confirm and strengthen the views he entertained respecting that instrument, he could not say; but certainly, if they were now within his reach, he should be very eager to read them; and their examination would be one of the very first things that he should engage in. A report of such debates, from such a pen, could not but be of the highest importance, and its perusal was well calculated to gratify a rational curiosity. It might throw much light on the early interpretation of the constitution, and on the nature and structure of our Government. But, while it produced this effect, it could do more than all other things to show to the people of the United States through what conciliation, through what a temper of compromise, through what a just yielding of the judgment of one individual to that of another, through what a spirit of manly and brotherly love, that assembly of illustrious men had been enabled finally to agree upon the form of a constitution for their country, and had succeeded in conferring so great a good upon the American people.

Mr. NILES said he regretted that the committee had presented this subject for the action of the Senate in the precise form they had, as he feared that he should not be able to give the resolution his support, which he should have been happy to have done had the resolution been in a different shape. He concurred in all that had been said as to the merits of the work, and the high character of its illustrious author. He would yield to no man in the estimation in which he held the character, services, and political opinions, of Mr. Madison. But the universally acknowledged merit of the work should induce us to be more cautious not to act on unsound principles, and unnecessarily set a bad example. He was sorry that the committee had not gone further, and let us know what is their ultimate purpose in the purchase of these manuscripts. Are they to be purchased for publication, or to be deposited in the library for the use of Congress? If the latter was the object, he saw no constitutional difficulty in the way; but there were other serious objections to that course. Thirty thousand dollars was an enormous sum to pay for the manuscripts, in case they were to be used only as an addition to the library of Congress; besides, if this is the only object, the purchase of the manuscripts will be the means of withholding the work from the press, instead of aiding in diffusing the sentiments of the author among the people of the United States, which he supposed was the principal object. It was unnecessary to dwell on this aspect of the question, because he was satisfied that such was not the object in view. There could be no doubt that the real purpose is the publication of the work; and what is to be the nature and extent of the publication? Are we to publish a few hundred copies only, for the use of Congress and the public offices, or is Congress to publish a large edition for general distribution? There might be less objection, on the ground of principle, to the former course, but it would certainly be a very expensive way of supplying Congress with the work. He thought the proper course would be for Congress to purchase a certain number of copies of the work after it should be published; or, if it was deemed necessary to encourage the publication, and to add to the present

value of the copy-right, he should have no objection, and feel no difficulty in the adoption of a resolution authorizing the subscription to five hundred or one thousand copies of the work, at a fair price, to be paid for when it might be published.

There can be no constitutional difficulty in purchasing the manuscript for the library, nor in purchasing a certain number of copies of the published work, nor in authorizing a subscription for a number of copies of the work when it may be published; but to purchase the manuscript, not for the library, but for the purpose of publication, is a very different thing. He doubted the power of Congress to do this, and he could see no necessity whatever for it. Why is it necessary for Congress to interfere? The work will be published without our aid. This manuscript is valuable, for we have just been informed that five thousand dollars have been offered for it. The aid of Congress, therefore, is not necessary to secure the publication of the work, and to enable the people of the United States to have the benefit of the sentiments of the illustrious author. What reason, then, can be assigned why Congress should purchase the copy-right, and become the publisher of the work? Why has this application been made to us? He apprehended that there could be no other reason than that assigned by the Senator from South Carolina, [Mr. CALHOUN,] that the aid of Congress was necessary to pay the legacies charged upon this manuscript. Under the form of purchasing the manuscript, we are to pay the legacies in the testament of Mr. Madison, charged upon a fund which is insufficient to satisfy them. Is not this the whole of the case? The high merit of the work is of no consequence in this view of the question, because the country will have the benefit of it without our interference. It is not on this ground that the purchase could be justified, and he could see no other object but to secure the execution of the will and the payment of the legacies.

But, said Mr. N., is there not a great principle involved in this question; one much more important than that as to the propriety of the appropriation? Is Congress to become the publisher of books for general distribution, and with the view to enlighten the people? Where are we to find our authority for such a proceeding? We are told that these manuscripts, containing the only authentic account of the proceedings of the convention, ought justly to be considered as a part of the constitution itself; that they belong to, and are part of, the muniments of the Government. This is a strong claim to be set up for the private manuscripts of an individual, however distinguished or connected with the institutions of the country. But, admitting it to be true, has Congress the power to publish the constitution itself for general distribution, and for the purpose of affording political intelligence to the people? We may publish our journal or public records, for the use of Congress or the officers of the Government. But can Congress take upon itself to decide what political information is proper to be distributed among the people, and then become the publisher and distributer of the works containing the same, at the expense of the national Treasury? This would not only be a very extraordinary but a very dangerous power. It would not only be a new source of expenditure, but the assumption of a power which might be wielded with tremendous effect, in operating upon public opinion. If this work is to be published at the public expense and by the authority of Congress, on the ground that it is calculated to explain and illustrate the theory and principles of the Government, the same claim may be set up for works of a very different description. Who is to decide what is the true theory and exposition of the constitution? This has been a subject of controversy from the formation of the constitution. The different opinions which have existed in relation to this matter have formed the basis and foundation of parties. One work will contain the true exposition of the constitution, according to the views of one party, and a very different work according to the opinions of another party. When one party is in the ascendency, they may publish and distribute among the people such works as may be calculated to explain and illustrate what they regard as the true theory of the Government; and another party, when in power, may authorize the publication of political works of an opposite character, to explain and unfold the true theory of the constitution as they understand it. This is a power which would unavoidably lead to abuses of the most dangerous tendency; as nothing could be more mischievous than for Congress, by its direct action, and by the expenditure of the public funds, to attempt to influence public sentiment on political questions. The works of Mr. Madison would no doubt exert a highly beneficial influence on public opinion; but if a precedent is established, Congress may exercise the power, by publishing and distributing political works of a very different character. He believed that Congress had no authority to publish any work for general circulation, or for any other purpose than the use of the Government; and he could conceive of no assumption of power more dangerors, or of which the people ought to be more jealous. He regretted that the committee had presented this subject in the manner they had, and was sorry they had not gone further, and informed the Senate what was their ultimate purpose in purchasing these manuscripts. But as they had not done this, he felt it his duty to look beyond the resolution, and to decide for himself what was intended by the purchase. He believed that the object was to publish the work under the authority and at the expense of the United States; and believing that such a proceeding would be wholly unauthorized, and a very dangerous exercise of power, he felt constrained to vote against the resolution.

Mr. CRITTENDEN advocated the resolution. After pronouncing a merited eulogy on the character of Mr. Madison, he observed that we might with great reason anticipate the character of this work from that of its author; and such was the estimation in which he individually held a report compiled under such circumstances, by such a man, that he believed its value could scarce be overrated. There was no gentleman, he believed, who had expressed any hesitation as to the price proposed to be given; but the Senator from South Carolina was very apprehensive that, in purchasing this work, Congress would be exercising an unconstitutional power, and one which had a dangerous tendency toward the consolidation of the Government. Now, one great reason why Mr. C. was desirous of obtaining this and all other productions of Mr. Madison was the conviction that we could nowhere find more light as to the just interpretation of the powers in the constitution. As to the authority to make this purchase, if there was any value in precedents, there were enough of these to place it beyond question. The Senator demanded a specific power. A sufficient reply to that question would be to ask another. Under what specific power in the constitution had Congress erected this costly and magnificent palace for its legislation? Surely a building less expensive would have met and satisfied the necessities of the case. Who would say that these noble ranges of pillars, and the splendid dome they sustained, were indispensable to the deliberations of the Senate? Nay, where was the specific power for the erection of the Capitol at all? He would further demand of the Senator under what specific power he voted for the purchase of books for the library? The truth was, that all these acts pertained to that subordinate class

of powers which regulated what might be called the domestic economy of the Government, and which were necessary to the exercise of the primary and higher powers specifically enumerated in the constitution. And surely, if Congress could purchase any work constitutionally, was there any which it might more legitimately buy than the manuscript now in question? Could any work be more desirable to an American statesman? any more useful to an American legislator? Such a report formed an integral and most important part of the national history. It was a part of the archives of the Government itself. The Senator from Connecticut [Mr. NILES] was willing to purchase 500 or 1,000 copies of the work, when printed. That would be quite legitimate; but the honorable Senator was startled at the idea of purchasing a manuscript for publication. On what subtle ground of constitutional construction the gentleman came to such a conclusion Mr. C. was unable to comprehend. If the manuscript were purchased, would it not afterwards be printed? If it was printed, then all difficulty would be out of the way; but to purchase as a preparatory step to printing would be a daring violation of the constitution.

Mr. C. was really unable to appreciate the force of this argument. Congress designed to purchase this work for its own use; and did it constitute an objection that thereby the community would be enabled to get it also, and to possess it in a more authentic form? Congress had a right to erect a chamber for its own deliberations. Did the act become unconstitutional if the dimensions of that chamber should be so enlarged as to admit the erection of a gallery for spectators? No more did it become unconstitutional for Congress to purchase a work for themselves because the public could get incidentally the advantage of it. Mr. C. was desirous that Congress, by such an act, should commend this work to the American people, should put its *imprimatur* upon it, and send it forth with all the additional weight which such an act could give. That which was not strictly necessary might nevertheless be highly useful and becoming, in the exercise of powers confessedly constitutional. Was it necessary to place in this hall that venerable countenance of Washington, which seemed, as it were, to preside in silent dignity over their legislation? Was there any specific power which authorized them to adorn the Capitol with historic paintings and emblematical statuary? He believed that in purchasing this work the Senate would fulfil a duty near and dear to the hearts of the American people. If the remains of Mr. Madison were known to exist in the remotest corner of the world, Mr. C. would vote for an expedition that would cost far more than these manuscripts, to bring back dust so sacred to this country for a grave. Would not Congress have power to do that? Where was the specific power for the exploring expedition now fitting out?—an expedition that would cover the nation with imperishable renown. Should the gentleman's interpretation prevail, the nation would be shorn of the brightest beams which now encircle its name; and though Mr. C. differed from that gentleman as to constitutional views, he could not but believe that he was influenced at heart by all those feelings which would induce Mr. C. to support this measure. For himself, he had never given a vote with a more entire conviction of its perfect propriety.

Mr. CALHOUN rejoined, and further insisted upon the ground he had before taken. There was no diversity of opinion as to the value of these manuscripts, nor with regard to the great character of Mr. Madison, nor as to its being a very desirable object that this work should be published; but whether it should be published by the agency of Congress was a different question. The work, however, would be published at all events. Mrs. Madison had been offered $5,000 for it. That was sufficient to secure the publication. If Congress wished any copies for the library, they could furnish themselves with as many as might be necessary. Why must they purchase the copy-right? Would this application ever have come here if Mrs. Madison had been offered by the booksellers enough money to cover the legacies in her husband's will?

[Mr. CRITTENDEN interposed, and said he presumed it would. The reverence in which that distinguished woman held her husband's memory would naturally induce her to desire to dispose of this manuscript rather to the Government of this country than to booksellers. As to purchasing the copy-right, so precious did he hold the manuscript itself, that, did he possess it, he would not take the $30,000 for it.]

Mr. CALHOUN resumed, and insisted that, let gentlemen twist and turn the question as they pleased, it amounted to neither more nor less than this: an appropriation by Congress to pay the legacies in Mr. Madison's will. Mr. C. profoundly regretted that those legacies had ever been charged upon the avails of this manuscript. Mr. Madison had died childless, and had left his wife in easy circumstances. How much better would it have been had he left this work, free of all cost, as a legacy to the American people? And he no less regretted that Mrs. Madison had ever made the present application to Congress; and his regret was yet heightened, because a compliance with her request involved a plain and palpable violation of that rule in the interpretation of the constitution which Mr. Madison himself had laid down. The rule was full of the profoundest political wisdom and foresight, and evinced in the mind of that great man a just foreboding as to the fate of this Government. It would honor the memory of Madison far more to regard this rule than to purchase this manuscript. And if the manuscript itself was esteemed so valuable, there was no doubt that the printer, after the edition was worked off, would very gladly give the original to Congress. He then went on in a course of argument to show that the appropriation involved a violation of the principles laid down by Mr. Madison with respect to limited powers, and would, if carried out, leave it in the power of the Government to perform any act whatever which it might deem conducive to the general welfare. In reply to the inquiry of Mr. CRITTENDEN as to the erection and decoration of the Capitol, he observed that the case was very plain. They were a legislative body, and must have a house in which to assemble; and whether the building were small or large, more or less expensive, did not vary the constitutional question. As to its profuse decoration, there had been many politicians of the old school who doubted its expediency, and thought that much plainer buildings would have been more consistent with our republican simplicity. As to the exploring expedition, Mr. C. greatly doubted the right of Congress to sanction any such measure. But thus we proceeded, step by step; one departure was made to sanction another, until at length they came down to the great question which had originally separated the two parties in this Government. Mr. C. admitted that when a young man, and at his entrance upon political life, he had inclined to that interpretation of the constitution which favored a latitude of powers, but experienced observation and reflection had wrought a great change in his views; and, above all, the transcendent argument of Mr. Madison himself, in his celebrated resolutions of 1798, had done more than all other things to convince him of his error. The opposite course tended to a Government of unlimited powers, and in such a Government the executive department must inevitably swallow up all the rest. The Senator from Kentucky [Mr. CRITTENDEN] had warred nobly against executive encroachments, but that warfare would be all in vain unless the money power of the Government should

be closely watched. He had been struck with the sagacity and foresight of Mr. Jefferson, in a remark of that great statesman, that legislative usurpation would always precede executive, but that executive would always succeed it. Yet there would be a thousand cases which so strongly appealed to the hearts and sympathies of legislators, that these salutary restraints and warnings were all in danger of being swept away; and he who should oppose appeals of that nature would come to feel little in his own eyes, and to accuse himself of a want of the noblest feelings of the heart. He concluded by once more asserting that the naked question before the Senate was, whether they would vote an appropriation to pay the legacies in Mr. Madison's will. As he could not in conscience vote in the affirmative, he desired that the question should be taken by yeas and nays.

Mr. RIVES said he little expected, after the numerous appropriations for objects very questionable in their nature, and involving far more dubious constitutional questions, which pass here from session to session and from day to day without objection or observation, that we should have been occupied in a grave constitutional discussion on such a resolution as this. He most thoroughly concurred with the Senator from South Carolina in every fundamental principle he has now laid down. He subscribed most heartily to the doctrine that Senator has quoted from the celebrated report of Mr. Madison in 1798. But what is that doctrine? What was the occasion of its being advanced, and what is its just application? The Senate will all recollect that at an early stage of the history of this Government an attempt was made to pervert a clause in the first article of the constitution, which empowers Congress to "lay and collect duties, &c., to pay the debts and provide for the common defence and general welfare of the United States." The first construction attempted to be put upon these words was, that Congress has power to do whatever it may deem necessary and proper for the common defence and general welfare; a construction which goes at once to prostrate all notion of specific powers, and which renders the subsequent grant of those powers in the constitution itself perfectly nugatory. But this interpretation was so gross, and so entirely at war with the whole spirit and genius of our Government, that it enjoyed but a brief reign. It was followed, however, by a construction much more plausible, and which was strenuously advocated by the justly celebrated Alexander Hamilton. He contended that although Congress did not possess a general and unlimited power to do any thing they pleased, provided they thought it for the general welfare, yet that they might do any thing whatever which could be accomplished through the appropriation of money. It was in answer to that doctrine that Mr. Madison, in the able report from which extracts have been read, undertook to show that the money power of Congress was itself subject to all the limitations of the constitution; that it was intrusted with Congress only as a means of carrying into effect the specific powers enumerated in that instrument; and this has ever since been held to be the true, orthodox, republican doctrine. To that doctrine I give my full and unreserved assent.

But, while I do this, I say that it has no application here; and I admit that, if this appropriation cannot be sustained by showing that it has a proper relation to the delegated power of Congress, it cannot be justified. None can justly defend it on the ground that the money power is wider in extent than the other powers. No. We must be held, in every case, to the specific trusts of the constitution; but then it is not necessary that there shall in every case be a verbal grant of the power. I think the Senator from Kentucky [Mr. CRITTENDEN] fairly answered the Senator from South Carolina. He inquired, if we are to look for a specific power granted in words for each particular application of money, where was the authority for the erection of these gorgeous and magnificent columns, and for decorating the walls of this chamber with that image of the Father of his Country? The argument was, in my opinion, appropriate and conclusive. But it might be carried still further. I think the Senator from South Carolina, whilst he goes for a strict construction of the constitution, is in this case overstrict. If his notion of limited powers be correct, where is our authority, not for constructing so magnificent a building as this, but for erecting any building at all, even in the plainest style of Doric simplicity? Where is our grant of power to erect a mansion for the Executive, or public buildings to contain the national archives? There is evidently none. We must resort in all these cases to another clause, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof." Our power to appropriate money for the erection of this Capitol, or of the President's house, does not lie in the fact that such an appropriation is absolutely necessary, for it is not absolutely necessary. The President might reside, as many of the Chief Magistrates of the States do reside, in a private mansion, provided at his own expense; and Congress might hire some apartment, without expending money in the erection of a house for its own exclusive occupancy; and, according to the doctrine of the Senator from South Carolina, as there is no specific grant here, there can be no constitutional authority for such an application of the public money. But, though not indispensably necessary, it may, nevertheless, be fit and proper, and may be covered by the limited discretionary power to make laws to carry into effect those powers which are specifically enumerated. A construction so strict as that pleaded for by the Senator from South Carolina on the present occasion, would strip the Congress of its salutary powers, would disarm it, and render it utterly useless for all practical purposes. There must be a just discretion.

But let me call the attention of that Senator to the report of Mr. Madison. I have not looked over it for two or three years, but my mind was so early and so deeply imbued with its principles, I looked to it with so much pride and confidence, as containing the political creed of my State, that I do not think I can err in saying that the test of any appropriation, as laid down by that great man, is, not that it shall be absolutely indispensable, but that it must bear "a direct and appropriate relation" to some of the powers specifically granted. By that test I am willing to abide; and I will vote for this appropriation, not on the broad principle that it promotes the general welfare, but on the ground that, on a fair common-sense and practical interpretation of the constitution, it has a direct and appropriate relation to powers specifically granted. Now, to apply this principle: I ask, is there any Government which has not power to preserve, and, if it pleases, to publish the acts and records of its own official history? The other Senator from South Carolina [Mr. PRESTON] put this matter, as I think, upon the true ground—on ground solid and impregnable. These debates of the convention are in the nature of public archives. They are the records and muniments of our national history, and it is only in that view that I am in favor of purchasing them; and I contend that this appropriation stands on far narrower grounds than those we are continually passing for the increase of our miscellaneous library, or than that by which we erected this Capitol or the mansion of the Chief Magistrate. It is directed to the preservation of the monuments of our creation and organized existence as a nation and a Govern-

ment, and to their publication in order to that preservation. Let me call the attention of the honorable Senator to what has been repeatedly done, and has never been objected to. When it was deemed proper to republish the journals of the old confederation, was that measure opposed on constitutional grounds? But why were those journals published? They were not the acts of an existing Congress, but of a pre-existing and different body. But still they were most precious and important, as constituting an integral part of our national history and existence. The same remarks will apply to the secret journals of the convention, and to the diplomatic correspondence of the confederation. Where was our specific constitutional authority for that publication? Yet we authorized all these things, by the necessary appropriation of money for the purpose. And I now ask, on what ground the publication of the journal of the proceedings of the convention can be practically distinguished from the debates of that same convention. May we publish the mere naked detail of the acts of the convention, and shall we be debarred from purchasing and publishing a full and authentic report of its debates, taken by a member so distinguished, who devoted himself with soul and body to the object, and who, in order to accomplish it, imposed upon himself self-denial, the regimen of an anchorite, while he was engaged in the labor?

The journal is important, I admit, but the debates are more important. The journal is a mere skeleton, a record of yeas and nays, and of resolutions agreed upon or rejected; a maze without a plan. It is this report of debates which gives us a clew to the labyrinth--which clothes the skeleton with flesh, and life, and substance. It is this which sheds light upon the acts themselves, and informs us of the grounds and principles on which they were adopted. Then there is another point in which this report has more nearly the character of the journal itself. It is well known that the official journal of the convention was a very imperfect record, and that there were in it chasms which had to be filled up by a resort to this very work, parts of which are actually incorporated into it, and have been printed with it. Let me prove this by reading to the Senate a short passage from the introduction to that journal, written by Mr. Adams, the Secretary of State, under whose superintendence the Journal of the Convention was prepared for publication.

[Here Mr. R. read several extracts from that work.]

In whatever aspect, then, we regard these manuscripts, whether as general muniments of our official and governmental history, or as a detailed account of the deliberations of that illustrious body which formed our constitution, they are of far higher importance than the mere naked journal itself, as showing in a most interesting manner the successive phases which the constitution assumed, and as affording us important light towards its practical construction at the present time.

The honorable Senator from Connecticut [Mr. NILES] appears to me to have misconceived the nature and scope of this resolution. With that astuteness which he well knows how to exhibit when there is occasion for it, he has brought forward a constitutional objection on this occasion which is not quite in harmony with that vigorous common sense which distinguishes him in so peculiar and eminent a degree. He argues that, though it might be very constitutional to purchase this work, if it were printed, it would be a violation of the constitution to purchase the manuscript with a view to publication. But my honorable friend is running ahead of the resolution in point of fact. It says nothing about publication; that is altogether a distinct and subsequent question, in regard to which there may be a diversity of opinion. If he thinks that this purchase will be made constitutional by depositing the manuscript in one of the vaults of the Capitol, or by placing it in some of the recesses of the library, where it shall be viewed only by those who enjoy a particular privilege to examine it, why, it can so be done; but the resolution itself does not contain a single word beyond the naked purchase of the manuscript. I have indeed no doubt that a majority of the body would be in favor of the publication. But there is nothing of that in the resolution. There may be important reasons why Congress should wish to possess the original veritable record of these proceedings, in the autograph of one so intimately acquainted with them, and so closely connected with all that relates to the constitution as was Mr. Madison.

It is often important not only that we have the words but the punctuation even of some of those resolutions; for the Senator from Connecticut knows very well that grave constitutional questions have turned upon the punctuation of some of the articles of that instrument. A change in a word may change the whole character of a work, and hence it is important that the original manuscript should be deposited in our archives. That is the object of the resolution. It was drawn up with care, and with express reference to this point. The object is that we may have these manuscripts to appeal to as a genuine and authentic record, and an authority verified by the highest sanctions.

In addition to the appropriations which I have already mentioned, there was, a year or two ago, an appropriation made without objection, so far as I am informed, of $25,000, for the purchase of the Washington manuscripts, papers without any particular official utility, since the most important of them were already in the hands of an eminent literary gentleman, and in a course of publication. If that application of the public money could be justified, surely this cannot be objected to.

The Senator from South Carolina thought it fit to express his profound regret that Mr. Madison had not made a different disposition of these manuscripts; that he had not bequeathed them to the nation. That is delicate ground, and one on which I shall not presume to tread. It does not, in my apprehension, belong to this forum. It is one of those questions which every man must settle for himself in the tribunal of his own bosom. The Senator, I am very sure, does not and cannot doubt that Mr. Madison was actuated by motives alone of the purest patriotism and benevolence. He could not doubt that these debates would eventually be given to the people of the United States. There is that in his will which contains the proof that when he was recording the deeds and sayings of that assembly of demi-gods (I had almost called them,) he looked to the benefit of his country and of mankind.

As to the bequests charged by Mr. Madison on the proceeds of these manuscripts, they were of a character to consecrate them to the interests of patriotism and benevolence. There were among them legacies to important literary institutions: one to the University of Virginia, of which he was the rector; another to the College of New Jersey, of which he was an alumnus; and another to a college in Pennsylvania; as well as some for the education of individuals nearly connected with him by the ties of blood and affection. These provisions of a warm and practical benevolence are an honor to his heart, and more indelible to his memory, in my humble judgment, than would have been an ostentatious gift of his debates to the people of the United States, as though they were objects of his charity. The nation, as the matter stands, are, in fact, his legataries. He has bequeathed to them the constitution, of which he was the chief founder and framer, and the enduring fruits of all his public toils and patriotic labors. Modest as was his great mind, and devoted to the last to the good of his country, he could not feel as if he were under obligation

to give to his countrymen further proofs of his desire for their welfare.

I regret that there should on this occasion have been any comment here upon the private actions of the dead. Surely the testamentary arrangements of a man are, if any thing can be, matters which pertain exclusively, and in a sacred manner, to his own bosom. The personal bequests of such a man as Mr. Madison are not subjects for the jurisdiction or revision of the Senate. The Senator from South Carolina has also said that this proposition would never have been here, had the offer made to Mrs. Madison by the booksellers been sufficient to cover the legacies charged upon these manuscripts by her husband. Sir, I have been honored by some personal relations with Mrs. Madison; and I happen to know, that while that lady was prosecuting her arrangements for the publication of these papers, the suggestion was made to her, from sources entitled to her highest respect, that the most proper disposition that could be made of them, the destination most becoming her, as well as the character of her venerated husband, would be to place them under the control of Congress. And could any thing be more proper? These precious manuscripts, more precious far than the books of the Sybils, are the authentic depository, and the only one in existence, of the deliberations of those glorious minds which gave birth to our constitution. Surely there is an obvious and peculiar propriety in offering them to the Congress of the United States.

And, then, as to their utility to the country. Should the publication be made as a private concern by the book trade, there would be a less perfect guarantee that they were presented in a full, correct, and authentic form. But place the manuscript itself in the archives of the Government, and all will have been done which could be done to insure the preservation of the original, and the accuracy and fidelity the copies.

Let me in conclusion say, and I regret that the remark is called for by the allusions of the Senator from South Carolina, that the amiable and distinguished lady who is the proprietor of this manuscript is here as no petitioner for charity. She has done what it became her to do as the relict of that great man whose papers were bequeathed to her to enshrine and imbody among the treasures of our country an authentic record of those solemn debates which issued in the formation of our happy and glorious form of government.

Mr. CALHOUN explained. He had cast no censure on the legacies of Mr. Madison. On the contrary, he considered them as all very proper, and he must be allowed to say that he was not a little surprised at the nature and tone of the remarks of the Senator from Virginia. That which had called forth the expression of his regret had been simply this: that the legacies charged on the avails of these manuscripts should have had the effect of bringing this application before Congress. What he had said was, that if an arrangement could have been made with the booksellers that would have covered those legacies, this application never would have been made; and there was nothing in the language of the will to show the contrary. Mr. C., after a brief recapitulation of the ground he had taken, concluded by observing that not one of the cases quoted by the Senator from Virginia availed in the least against the constitutional objection he had advanced; nor had he said any thing which any friend of Mrs. Madison had the least right to take exception to.

Mr. CLAY said that it had been his intention to offer some remarks on this resolution; but so much time had already been occupied, and that remaining to the Senate was so precious, that he should content himself with merely saying that he should vote for the resolution with the greatest readiness and pleasure; that it involved no violation whatever of the constitutional authority of Congress, while it fulfilled at the same time a sacred duty to the country, to the Congress itself, and to the memory of a man the most distinguished, with a single exception, of the patriots of the Revolution.

The question on the passage of the resolution was then decided by the following vote:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Fulton, Grundy, Hendricks, Kent, Linn, Lyon, McKean, Mouton, Norvell, Parker, Preston, Rives, Robbins, Robinson, Southard, Spence, Strange, Tallmadge, Walker, Wall, Webster, White, Wright—32.

NAYS—Messrs. Calhoun, Davis, Hubbard, King of Alabama, Knight, Moore, Morris, Nicholas, Niles, Page, Prentiss, Ruggles, Swift, Tipton—14.

So the resolution was passed, and sent to the House of Representatives for concurrence.

Mr. WRIGHT, pursuant to notice given on Saturday, moved to take up the bill for the reduction of the tariff.

Mr. BAYARD pressed for the resumption of the Choctaw land bill, as the unfinished business.

The question being taken on Mr. WRIGHT's motion, it was negatived: Ayes 13, noes not counted.

CHOCTAW LAND BILL.

The Senate then resumed the consideration of the bill for confirming certain contingent locations of land in the State of Mississippi, &c.—

The question being on Mr. BLACK's amendment, to strike out certain sections of the bill, and substitute others therefor.

After some remarks from Mr. WHITE, which he concluded by reading an amendment he intended to move as a substitute for the whole bill,

Mr. BLACK consented to withdraw his amendment.

Mr. WHITE thereupon moved his substitute for the whole bill, which proposes a board of commissioners to examine the claim of each Choctaw Indian, and make a particular report of all the facts to Congress at its next session.

Mr. BAYARD moved an amendment to it, which, after a desultory conversation, was withdrawn.

Mr. WHITE's substitute was thereupon agreed to, the blanks filled with $3,000 as salary for each commissioner, $2,000 for the district attorney, $1,500 for a clerk, and the bill limited to the 1st of March, 1838.

It was then reported to the Senate, and ordered to be engrossed for a third reading.

After taking up and disposing of several other bills,

The Senate went into executive business, and afterwards adjourned.

TUESDAY, FEBRUARY 21.

Mr. HUBBARD presented the credentials of the Hon. FRANKLIN PIERCE, elected United States Senator from New Hampshire, for six years from the 3d of March next.

REDUCTION OF THE TARIFF.

After transacting the usual morning business,

Mr. WRIGHT moved to take up the bill reducing duties on certain imported articles.

Mr. CLAY said, before voting on this motion, he wished to inquire of the Senator whether it was intended that the bill should pass in its present shape, or that protected articles should be stricken from it. He believed the Senate generally would agree to a reduction of the duties on all except protected articles.

Mr. WRIGHT said it was impossible to answer this question. He merely wished the Senate to take up the bill, and act upon it as they should think proper. He had no instructions from the committee, and he was not

prepared himself to move to strike out any part of the bill.

Mr. CALHOUN said he believed there would be no dispute about the reduction on a large proportion of the articles; the others would be indicated by the discussion on the bill.

Mr. WALKER said he should vote against the motion to take up the bill, because he hoped the Senate would take up to-day the subject of recognising the independence of Texas.

Mr. CALHOUN preferred to try first the question on Mr. WRIGHT's motion; and, if that should fail, the question on Texas might then be tried.

Mr. WRIGHT said if the subject was doubtful in the minds of a majority of the Senate, he was not disposed to worry the body. He would regard the refusal to take up the bill now as amounting to a refusal to act upon it at the present session. He would, therefore, ask for the yeas and nays on the question; which were ordered.

Mr. CLAY said he should certainly vote for taking up the bill now, after what Mr. W. had said, because a bill passed the Senate at the last session for reducing the duties on all the articles enumerated in this bill, with three or four exceptions. He wished, moreover, to know what was the intention of Mr. W. and other Senators on this subject, and to ascertain whether they really intended to preserve the general policy of the compromise.

Mr. WEBSTER said he considered it as very important that the bill should be taken up. He deemed it the indispensable duty of Congress to reduce the tariff so far as it could be done without interfering with protected articles.

Mr. CALHOUN, also, urged the importance of taking up the bill now, and hastening its progress.

Mr. BUCHANAN said the Legislature of Pennsylvania had instructed him and his colleague on this subject; and although the instructions had not yet arrived, he knew this morning that they had passed, and that they instructed them to vote against any reduction of the tariff as it was established in March, 1833, on the principle that to touch this subject at all might endanger their interests. Mr. B. confessed, though he held the opinions of the Legislature in high respect, that, had it not been for these instructions, he should have voted to take off the duties entirely, so far as it would not interfere with protection, and would not violate the compromise act; and he would have done it on the principle of throwing useless lumber overboard, for the purpose of saving the valuable part of the cargo. But he now felt bound to act according to his instructions, and would certainly bow to them with the utmost deference and respect.

Mr. CLAY said he hardly thought the Legislature of Pennsylvania had gone so far as the Senator supposed. The compromise act had expressly provided that, if there should be any deficiency in the revenue, it should be made up by increasing the duty on articles below 20 per cent.; and, on the other hand, if there should be an excess of revenue, it should be remedied by a reduction on articles below 20 per cent.; so that, with the exception of three or four articles, this bill was in entire accordance with the compromise act. And, so far from injuring the manufacturing interest, Mr. C. believed it would be beneficial to it. They therefore ought not to hesitate to take up the bill, and pass those parts of it which would not interfere with protection.

Mr. BUCHANAN said he was very much indebted to the gentleman for his commentary on Mr. B's instructions; but, under his favor, he would construe them for himself. [Mr. B. here read the instructions, which were clear, explicit, and imperative.]

The question on taking up the bill was now tried, and carried in the affirmatve, as follows:

YEAS--Messrs. Bayard, Benton, Black, Brown, Calhoun, Clay, Clayton, Cuthbert, Davis, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Lyon, Moore, Morris, Nicholas, Norvell, Page, Parker, Prentiss, Preston, Rives, Robinson, Southard, Strange, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, Wright--38.

NAYS--Messrs. Buchanan, Kent, McKean, Robbins, Sevier, Spence, Tipton--7.

Mr. WRIGHT laid before the Senate a letter from Ellicott & Co., on the subject of the manufacture of chemicals, the small amount of duty that would be reduced, and the great injury inflicted on our own establishments, by making free of duty the articles of aquafortis, muriatic acid, bichromate of potash, chromate of potash, prussiate of potash, tartaric acid, Prussian blue, calomel, sulphate of magnesia, sulphate of quinine, Rochelle salts, and tartar emetic.

Mr. WEBSTER, after a few brief remarks on the impropriety of taking off the duty on these articles without further information, moved to strike them out of the bill.

[The bill proposes to admit them free of duty.]

Mr. SEVIER wished to except the articles of calomel, quinine, and salts, as being the only ones in which his constituents had an interest; they took large quantities of them.

After a short debate, in which Messrs. KNIGHT, KENT, DAVIS, LINN, CLAY, BUCHANAN, SEVIER, and CALHOUN, took part, the question was put on striking out the residue of these articles, with the exception of calomel, salts, and quinine, and agreed to.

The question being put separately on striking out these, (i. e. retaining the present duty upon them,) it was decided in the negative, as follows:

YEAS—Messrs. Bayard, Black, Buchanan, Clay, Crittenden, Davis, Ewing of Illinois, Kent, Knight, McKean, Norvell, Prentiss, Robbins, Southard, Swift, Tallmadge, Tomlinson, Wall, Webster--19.

NAYS--Messrs. Benton, Brown, Calhoun, Clayton, Cuthbert, Fulton, Grundy, King of Alabama, King of Georgia, Linn, Lyon, Nicholas, Niles, Page, Parker, Preston, Rives, Robinson, Sevier, Spence, Strange, Tipton, Walker, Wright—24.

So they were retained in the bill as free of duty.

Mr. DAVIS moved to strike out the article of worsted yarn, so as thereby to retain the present protecting duty on that article. He stated that the present duty fixed by law was twenty per cent., and he had letters in his possession to prove that there were large manufacturing establishments, in which great amounts of capital had been embarked in the making of worsted yarn. An important discovery in the manner of combing wool had enabled this branch of manufactures to flourish under the protecting duty of twenty per cent. Large investments had, in consequence, been made, in the expectation that that protection would not be withdrawn. The article produced was used principally for the warp in carpeting. The individuals concerned represented that, if the present duty should remain undisturbed till the year 1842, they should after that be enabled to maintain their ground under the general reduction then proposed. Mr. D. said that this was an interest of some importance to the country, and one which he considered as entitled to protection. If the duty under which it had grown up should now at once be taken off, he feared that it would suffer great injury, if not entire destruction. He did not know that even under the protection it had enjoyed it would have been able to realize any profit, or even to maintain its ground at all, had it not been for a great improvement which had recently been discovered in the process of wool combing.

Mr. D. sent to the Secretary's table one of the letters which he had received on this subject, and which was accordingly read to the Senate.

Mr. CUTHBERT wished to ask one question, and it was this: was it the design of gentlemen to pursue the protective system as it now stood, or to place new articles under protection? A short time ago, this article of worsted yarn was not among the protected articles at all; but it having been asserted that the article could be made in this country, this duty of twenty per cent. had been imposed as a protection. He desired to know what was the construction which Senators attached to the compromise act. Was the construction this: that whenever an article, which had been among those protected, could be made here, it was to be protected as of course? Was this the manner in which the tariff was to be reduced? In this case, the production of a single letter from an individual interested in this manufacture seemed to be thought sufficient to produce the impression that its protection ought to be continued. If this course was to be sanctioned, the protective system would not only continue in all the strength it now possessed, but would even be extended. It was only to bring forward a single letter, to show that an article could be made in this country, and it was to be protected of course. As to this particular article of worsted yarn, the honorable Senator from Massachusetts [Mr. DAVIS] was no doubt much better acquainted with it than Mr. C. There was one point on which he wished to be informed: were all articles manufactured from worsted yarn at present imported free of duty?

Mr. DAVIS replied that a part were, but not all.

Mr. CUTHBERT then observed that, if Congress protected worsted yarn, it would of course protect articles made from worsted yarn.

Mr. PRESTON inquired of the chairman of the Committee on Finance, what was the present duty on worsted yarn?

Mr. WRIGHT replied that the duty now fixed by law was 20 per cent. ad valorem. The amount imported came to $261,626, on which the duty paid was $52,325. Mr. W. added that it had been the understanding of the Committee on Finance that worsted stuff goods of all sorts were free of duty, and they saw no sufficient reason why worsted yarn should pay a duty, while goods manufactured from it paid none; and hence (the general object being to reduce the revenue) the committee had inserted worsted yarn among the articles which it was proposed to make free.

Mr. PRESTON was opposed to reducing the duties on any article included within the provisions of the compromise. If circumstances rendered a reduction of the revenue indispensable, it should be made on articles not comprehended in that arrangement. He was opposed to any departure from this principle in the present bill. Let the enumerated articles be protected as in the compromise act. In that he should fully acquiesce; but when the duty was less than 20 per cent. he could not agree to it; and if a new enumeration of protected articles was to be made, he should be utterly opposed to it. He should vote against striking out this article from the bill. Let the committee do what they would, the reduction would be scarce sufficient to bring down the revenue to the wants of the Government. But as this article paid a duty of 50,000 dollars, making it free will produce a considerable reduction.

Mr. WRIGHT said that the general object sought by the Committee on Finance, in reporting this bill, was to reduce the revenue as far as possible in conformity with the principles of the compromise. The fourth section of the compromise bill enumerated certain articles which were to be free of duty; in addition to those included in the tariff law; among which were bleached and unbleached linen, worsted stuff goods, and manufactures of silk and worsted. Mr. W. had been under the impression that this clause made free all goods in which worsted composed the greater part. He was told that the present article of worsted yarn was chiefly employed in the manufacture of carpets; that the construction at the custom-house had been that it was not included among the free articles. Mr. W. was unacquainted with the details of the subject, and had no personal knowledge of the matter. It appeared to him, however, that, notwithstanding there might exist a pretty strong claim on the part of a single manufacture, the article ought not to be stricken out, but should be free from duty, like the goods made from it.

Mr. DAVIS said he had but little to add. He was aware that worsted stuff goods were free of duty, but there had a class of them been introduced which were composed in part of worsted and in part of wool, which were not free, but paid a duty. The chief object for which this worsted yarn was manufactured was the warp in the manufacture of carpets. The carpet manufacture had long been established in this country, and it prevailed extensively in several of the States. Congress, for its protection, had imposed a heavy square-yard duty. Worsted yarn paid a duty of 20 per cent., and he did not know why it was not as fair an object of protection as if it paid 40. He could not see that it was a good reason for overthrowing a particular branch of manufactures, that the duty upon it was but small. He admitted that this manufacture had been lately prosecuted with new vigor; but neither could he perceive that this was a reason why it should be no longer protected. He was not for introducing a new set of protected articles; but if the Senate should think that, in consistency with the principles of the compromise, they could retain the existing duty on this manufacture of worsted yarn, he should be happy.

Mr. GRUNDY observed that this matter had been treated by some gentlemen as comparatively unimportant; but to him, in the attitude in which he stood, it was a matter of great import. He had voted for the compromise act, and had personally contributed to its passage, as much perhaps as any other member of the Senate; and he considered that its provisions formed the great bulwarks both of the manufacturing and the agricultural interests. He wished, if it were possible, that they might remain undisturbed; and if gentlemen were resolved to break through the arrangements then made, by taking off the duties then agreed upon, they ought to remember that it is a rule which will work both ways. If one side was to be absolved from the agreement, the other side would claim to be absolved also; and thus the whole subject of the protecting system would again be thrown open. It was the understanding of those who advocated the compromise bill that articles paying a duty of 20 per cent. were to remain undisturbed, while in regard to those paying less than 20 per cent. the action of Congress was to be left free, and the duties might be raised or diminished, according as the revenue of the country should prove defective or redundant.

Mr. DAVIS here stated that the article of worsted yarn was not one of those under 20 per cent. It paid 20 per cent., and so was included in the compromise.

Mr. GRUNDY then said that he should be against taking off the duty. As long as there was a manufacture in the United States which required protection, he was against reducing the duties fixed for the compromise, until the experiment had been fully made of reducing the revenue in some other mode. But if, after every practicable experiment, it should be found that the revenue could not be reduced without touching these articles also, he should then, to avoid a greater evil, reluctantly yield his assent. He hoped, as each article in this bill came up successively for discussion, the chairman of the Committee on Finance would apprize the Senate whether it did or did not pay a duty of 20 per cent. or

more, as Mr. G's vote would in all cases be governed by that consideration. If the article paid less than 20 per cent., he would vote to make it free; but if not, he would vote to retain the duty.

The question being now taken on striking out the article (worsted yarn) from the list of those which were to be made free of duty, it was carried: Ayes 23.

So the article was stricken out.

Mr. DAVIS moved to strike out from the list of free articles that of olive oil. Mr. D. stated that this article, at present, paid a duty of twenty cents per gallon. There had been a discussion of considerable length, and a similar motion, at a former session. The duty had been reduced, but, after consideration, the House of Representatives had restored it again, lest the reduction might interfere with the whaling interest. Mr. D. said he hoped it might turn out, on a full examination, that the present duty would bear reduction, but, as at present informed, he was not authorized to say that such was the case; and, to avoid all danger of injury to the important interests involved in the whale fishery, he had judged it proper to move to strike this article out of the bill. The duty upon it amounted to more than 20 per cent.

Mr. NILES observed that the principle which had been advanced in the course of this debate, that all duties below twenty per cent. might be stricken out, as not being embraced in the compromise, was of all others the most unjust, and even preposterous. Were all interests to be disregarded, and wantonly destroyed, because they were not included in the compromise act? There existed many interests in the country whose protecting duty was below twenty per cent., which were vastly more entitled to the favorable notice of the Government than some others, which enjoyed a far higher protection. He believed that Congress ought to hesitate to reduce the duties, from a mere apprehension of a surplus in the Treasury, in cases where a small duty operated as a complete protection. The complaint which had roused the South to indignation was not directed against these small duties, but against that great mountain of enormous imposts which was laid by Congress in 1824 and 1828. But olive oil enjoyed a protection of more than twenty per cent., and therefore some gentlemen argued that it ought not to be included in this bill. But would the removal of the duty from this article affect any other interest which had a just claim for protection? The Senator from Massachusetts had argued that the retaining of this duty would be very beneficial to another article. This was certainly going a great way. Whale oil was entirely a different interest; and it was extending the protective principle further than it had ever before been proposed, to lay a tax on one article in order to protect another. If olive oil was produced in this country, he should then be in favor of protecting it by a duty. But he could not consent to tax olive oil, with a view to protect the whale fishery.

Mr. DAVIS said he hardly knew whether the Senator from Connecticut aimed his remarks at him, in what he said respecting a duty being retained because it was over twenty per cent. Mr. D. had said no such thing. He had not argued that this article should be stricken out because the duty upon it exceeded twenty per cent., but he had stated such to be the fact, for the information of the Senate, and that they might be informed of the true ground on which they were proceeding. He concurred with the Senator from Connecticut in the belief that there were many articles, the duty on which was below twenty per cent., which deserved very careful consideration. He was aware, too, that the last argument which had been urged by that gentleman was often well founded, but it was not always true; and in this case it did so happen that both whale and olive oil were extensively used in the same way—in lamps, for example, and in many operations of manufactures. At the time the compromise act was passed, the case of this article had been thoroughly examined, and the House of Representatives had in consequence reversed its action, and raised the duty after having reduced it. Mr. D. was as anxious as any other gentleman to remove this duty, if it could be done with safety and propriety; but he was not now in possession of such information as would warrant him to believe that it could.

Mr. WRIGHT said that the remarks of the Senator from Connecticut seemed to call upon him for a word of explanation. The Senator misunderstood the principle on which the Committee on Finance had proceeded in constructing this bill. It was their desire carefully to guard as well those interests which were covered by duties below twenty per cent. as above; but they felt themselves more at liberty to go into an examination where the duty was under twenty per cent., and on articles protected. It was now said, and Mr. W. was not prepared to contradict the assertion, that the removal of the duty on olive oil might prove injurious to the whaling interest. The committee certainly had no disposition to interfere with that important branch of industry. The article of whalebone paid no more than 12½ per cent., yet they had abstained from inserting that in the bill, because it was connected with the whale fishery. Mr. W. considered the whaling interest as one of all others the most clearly deserving the protection of the Government. The nation was deeply interested in it, as a school for our seamen and a nursery for the navy. They did not understand that rescinding the duty on olive oil would at all affect this interest; and Mr. W. regretted that neither himself nor the Senator from Massachusetts was in possession of more distinct information on the subject.

Mr. CUTHBERT said that if the Senator from Massachusetts could present to the Senate information which would enlighten them on this subject, he should be glad if he would do so. Was it a fact that the use of olive oil did compete with the interests of the whale fishery? At the first blush he should say it could not be so. The United States raise no olive trees, and the two articles of whale oil and olive oil were certainly very different from each other. One was a fine article of use in diet, while the other was quite the reverse. If no further information was laid before the Senate, he should think that olive oil ought not to be stricken out of the bill; but if further information should show that to make it a free article would injure the whaling interest, then the duty ought not to be reduced. Some Senators contended that when the duty was above twenty per cent. it must not be touched; others argued that when it was below twenty per cent. it was wrong to interfere with it. Thus, it was evident that the whole attempt to reduce the revenue would prove futile. There was to be no honest, sincere, and strenuous effort at reduction. While, on the one hand, it was pleaded that the Senate must not reduce the tariff, because of the compromise of 1833, he heard nothing of any pledge that the tariff was not to be augmented, because of the compromise. There was evidently gross partiality in the manner in which the compromise was to be construed. As to this article of olive oil, he should like to receive some further information.

Mr. DAVIS said that he would cheerfully give such information as he possessed. Whale oil was commonly used in lamps, and in some processes of the manufacture of woollen goods, while, for both purposes, olive oil was likewise employed. There were many other uses for oil, in which both kinds were not equally proper. Olive oil, for instance, was used in the manufacture of fine soap, while whale oil would not answer for that

purpose. He should not go into the details. The whole subject had been fully investigated in 1832, when the existing duty on olive oil had been fixed, and he was not aware of any change which had since taken place to render it excessive or improper.

The question being now put, the motion to strike out olive oil from the list of free articles was rejected: Ayes 15, noes 19.

[At a subsequent period of the session this vote was reversed, and the motion finally prevailed; but, as the whole bill was lost in the House of Representatives, the duty remains, of course, as it stood before.]

Mr. WALL moved to strike out the articles of China and porcelain, earthen, and stone ware. Mr. W., in support of his motion, read a long report on the subject of the protection of this manufacture, and accompanied it by some remarks. He stated the duty to be twenty per cent.

Mr. WRIGHT said that, when the bill had been reported, the committee had been unaware of any important establishment existing in this country for the manufacture of porcelain. Since then, however, they had received a very plain and proper letter from the proprietors of a large establishment in Jersey city, in which there had been invested a capital of $150,000. He should read a portion of this letter, in order to show the importance of this one establishment. He was not, however, aware of the existence of any other. The amount of porcelain and stone ware imported in 1835 was $1,697,000, which paid a duty to the Government of $340,000. He submitted to the Senate whether a duty to this amount should be continued for the protection of a single establishment. For himself, he expressed no opinion. Every Senator would form his own judgment. Here was a worthy manufacturing establishment, in which a large capital had been invested, and which seemed to be in successful operation. Of the amount of ware which had been made there he was not informed.

Mr. CALHOUN observed that his position as a Southern Senator was different from many of the gentlemen who, with himself, were desirous of a reduction in the revenue. According to the compromise bill of 1833, the tariff duties were gradually going off, and they were all to come down to 20 per cent. by the year 1842. If the amount of imports did not interrupt the operation, it would take off two millions of revenue annually. And he would now tell Southern gentlemen on all sides, that no paltry advantage to be derived from striking out $50,000 on this article, and $100,000 on that, should ever induce him to give up the advantages to be derived to the South from a regard to the compromise law; and let him say to Southern gentlemen generally, that they will greatly injure themselves, if, from any such temptations, they should be induced to yield up their stronghold. Senators who are now new in their seats would find, from sad experience, how hard, how very hard a thing it was to get duties taken off when they had once been imposed. He had himself been greatly surprised, in the outset of his public career, when an old and experienced statesman had told him that it was a much easier thing in Congress to lay duties on the people than to take them off. If Southern gentlemen were now guilty of the egregious folly of yielding up the compromise bill by the little petty temptation of repealing a small amount of duties, they would have ample leisure for repentance. Gentlemen on the other side now called upon them not to disturb the compromise, declaring, at the same time, that they understood themselves as pledged to its observance. Mr. C. would respond to the call, and hoped that the response would be general. For his own part, he held that there was no pledge on the part of the South; and, when the compromise bill passed, he had expressly told all the Senators present that he held himself perfectly free from all pledge on the subject, and that he might advocate a further reduction, or not, according to circumstances. He was now prepared to stand upon that bill, and not to disturb it. He should not interfere with the advantage which the Northern States were now deriving from it; and hereafter, when the time came that the South, in its turn, was to reap the benefit, he should, in all fairness, claim a similar observance on the part of the North. As to the duties under 20 per cent., if the friends of the tariff would say that they could not, with propriety, be removed, Mr. C. would say retain them; but if they could be reduced, or altogether abolished, he should rejoice. This was the position he had deliberately taken. He felt it to be both strong and honorable; and he was fully persuaded that it was such a position as would, upon the whole, be found most for the interest of the Southern States.

Mr. BUCHANAN said that he understood the principle of the bill to be to reduce the duties on such articles as would not interfere with those protected. If that was its principle, it had his cordial approbation. He believed that the interests of the manufacturers themselves required the duties, in some cases, to be reduced. But as to the article now in question, the manufacture of it had been commenced on the faith of the continuance of the existing protection, and it came fairly within the compromise. The question was not whether many factories of this species of ware existed or not—because the principles of the compromise were submitted to the option of the people. They had been well understood by the whole nation, and universally approved; and, were he engaged in this branch of business, he should expect and claim the protection of the compromise blll, and should deem it a violation of the public faith should the existing duty be removed. Mr. B. concurred with the Senator from South Carolina in his desire that the compromise should stand undisturbed. The purpose, however, for which he had now risen was to give the Senate some information in regard to a manufactory of China ware, entirely distinct from that in Jersey city, which he believed was confined to porcelain or queensware. This was solely for China. The proper material for the construction of China ware of the finest quality had been some years since discovered in the State of Pennsylvania, and an amiable and estimable man, formerly a member of the other House, and well known to many Senators, [Mr B. was understood to refer to Judge Hemphill, of Philadelphia,] had embarked nearly his whole fortune in the enterprise. He took pride and pleasure in bringing the manufacture to a high degree of perfection, and he had succeeded in the production of ware as beautiful in all respects as any imported. The manufacture had been commenced under favorable auspices, and Mr. B. believed still continued to prosper. He thought that the protecting duty ought to be suffered to remain. It was not right to say that, because there were but two or three hundred thousand dollars embarked in this branch of business, it was nothing; and the manufactnre might be ruined and crushed, because it was comparatively in its infancy. He hoped that the amendment which had been offered by the Senator from New Jersey [Mr. WALL] would prevail, and that the principles of the Senator from South Carolina [Mr. CALHOUN] would govern the legislation of the Senate.

Mr. WEBSTER had risen to observe that it would be wise in the Senate to be cautious in the course they should now adopt. They had passed a bill the last year reducing the duties on some articles of domestic manufacture, which were completely out of the reach of foreign competition; and it had encountered no opposition. But he thought the country was not now prepared for a bill which should go beyond that class of manufactures.

On the present occasion, so great was the dearth of information, that the Senator at the head of the Finance Committee, who introduced the bill, had found himself obliged to state that, when this article was inserted, he was entirely ignorant of the existence of any domestic establishment of the kind with which it would interfere. Gentlemen, one after another, were rising in their places and stating isolated facts—each of which had an important bearing on the provision proposed to be inserted in the bill. Considering, then, the admitted want of information, which was indispensable to an enlightened discharge of their duty; considering, too, the very short period which had elapsed since the introduction of the bill, and still more the great importance of getting some bill passed which should reduce the duty on articles that would not interfere with our own domestic industry; and taking into view the late period of the session, and the opposition which must be elicited by persisting in a course of this kind, he thought it, on the whole, to be prudent to leave out of the bill all those items which were in a considerable degree doubtful, and confine it to such alone as would interfere with none of our own great interests. Why should not such a course be adopted? Why would not the committee confine themselves to a plain and obvious path?

Mr. W. said that he had made these observations more with a reference to the bill in general than to the particular item now under discussion. He wanted some bill of the kind to pass, but he wanted it to stop short of our own manufactures. A bill of this character would be attended with good results. But as certainly as clauses should be introduced which attacked our own domestic interests, they would raise the opposition of the respective delegations in the other House representing the States more immediately concerned, and thus the bill would in all likelihood be defeated. As to this particular item of porcelain, he thought it presented a pretty strong case. The amount of duty, to be sure, was large, but it was now found that there existed several important domestic establishments—he heard it said around him that there were at least some half dozen of them—to whose protection it was indispensable.

Mr. CUTHBERT inquired what interests were intended to be protected by the compromise bill? According to his understanding, that bill had been designed to cover those, and those only, which were then in existence. It was never intended to protect interests which did not then exist, and which were to be created by the protection provided for them. And would gentlemen vote for the continuance of duties to protect interests of this last description? Whenever they raised up a new manufacture by the force of protecting duties, they prejudiced those which already existed. To do so was not to act on the policy of the compromise, but in direct violation of it. Did Senators owe but one duty to the Government? Had they nothing else to look to but the protection of certain manufacturing establishments? He denied it; they had another and most important duty to perform; and that was, to bring down the revenue to the actual wants of the Government. And, in discharge of this great duty to the whole country, was the existence of a single manufacturing establishment to present an insuperable obstacle? He denied it. He must go on, and perform the duty he owed to the country at large, and let the interests of a few individuals give way. He had heard no Senator, in the course of this debate, while urging the obligation of the compromise, pretend to say that it was any obstacle to the raising of duties, but only to the lowering of them.

Mr. CALHOUN replied, that it was not pretended that the compromise act had any irresistible binding force beyond that of other laws; but both honor and interest called upon him to insist on the advantages which would accrue from its observance. He had declared his intention to stand by it, and he construed the silence of gentlemen on the other side as a pledge that they would do the same. He was sure that the Senator from Kentucky [Mr. CLAY] must well remember that he had insisted that all articles the duties of which were below 20 per cent. should be made free, if it could safely be done; but as it appeared that there were some establishments just coming into being, to whom the protecting duty was very important, he should not be for disturbing it. He was for respecting both sides of the agreement.

Mr. CLAY observed that he thought that the Senator from Georgia [Mr. CUTHBERT] must perceive that the rule he had laid down was too narrow; namely, that the protection afforded by the law of 1833, commonly denominated the compromise act, should be limited to the interests which then existed, and must not be extended to any which had sprung up since. Now, what was the aim of the great system of protective policy? Was it not the introduction from abroad of all those branches of manufacture which conduced to the national prosperity, that they might be planted and might flourish upon our own soil? Now, almost all these branches of domestic industry had been largely extended since 1833. Were our extensive cotton mills, for instance, any the less worthy of protection because they had grown to their present perfection since that time? There were many articles not enumerated in that act, which were nevertheless included in its principle. The act established a rule, and laid a foundation by which duties were to be regulated. All those articles on which the duty was 20 per cent. and above, were to remain under their present protection till the year 1842. What was contemplated by such a provision? None, surely, could dream that there was to be a change in the law till the year 1842 arrived. This was undeniably the understanding of both parties at the time, and, he might add, the understanding of the nation generally. The law had every where been received with plaudits and the utmost demonstration of joy. The people accordingly had gone to work and erected their establishments on the faith of this agreement; and these establishments were as much within the spirit and letter of the law as if they had existed when the law was passed, so that the question which had been stated by the Senator from Tennessee [Mr. GRUNDY] was the true question. If the duty on any article was 20 per cent. or above, Congress could not touch that article till the year 1842, if it regarded the compromise. If the duty was below 20 per cent., then it might be touched and abolished altogether, provided such a measure did not interfere with important interests of the country. As to the propriety of adhering to the compromise, Mr. C. had no doubt or hesitation. He went for adhering to it. The country expected this. They reposed upon it, and it should be regarded with that respect which was extended to all other compromises. The constitution itself was one; and yet all profess to hold it sacred. The Missouri question was another. The law in that case had no more binding force than any other act of Congress; but who would think of disturbing the compromise which it imbodied? Would any body repeal that act? Would the South repeal it, which contended they were the weaker interest on that question? The same consideration applied to the tariff. Would the South, who were the weaker interest upon the tariff question, consent to give up the compromise? Did they not perceive that the moment they did this the whole question of protective policy was again thrown open, and that the same causes which had produced the tariff laws of 1824 and 1828 would come into operation, and would lead to the passing of another tariff law? It was clearly the interest of all parties concerned to adhere to that compromise.

That was the salt which had preserved our body politic from dissolution. It was the bond of peace and reconciliation between the North and the South. He had no objection to retain protective duties; but he would not, for the sake of doing so, disturb any of the great principles of the compromise law. As to this article of china or porcelain, if it paid a duty of 20 per cent. or above, he was not for disturbing it.

Mr. CUTHBERT said that the item now under discussion presented a distinct subject to the Senate. The question was not whether a large manufacturing interest had grown up since 1833, but it was this: whether, in the application of an important policy of this Government, a certain article not protected by the compromise law when it was passed, because not then in existence, was to be an insuperable obstacle to the action of Congress in reducing the revenue. The duty on porcelain and earthenware exceeded $200,000 annually, and the only establishment to be affected by the repeal of it was one in the State of New Jersey. Ought this single establishment to interpose an insurmountable difficulty against the carrying out a great and necessary policy of the country? He thought not. Was it not admitted to be an important principle of legislation to avoid at all times the imposition of a greater mass of taxes than were absolutely necessary? All good Governments admitted this principle, and acted upon it; and it was certainly a new doctrine that the prosperity of a single small manufacturing establishment should interpose to prevent its observance. Admit this, and the next step he supposed would be to retain the duty on salt; so that the poor man must not be permitted to render his food savory for himself and children, lest the interest of some great capitalist should be interfered with. In a republican Government, where the interest of the many was admitted to be the governing principle, an onerous tax upon the necessaries of life must ever be held as odious and detestable. The poor and hard-working man could not throw a little salt into his pot, but the authority of the Government must appear in its most odious form, and demand of him a heavy duty to favor some large manufacturing establishment. Mr. C. had understood the matter very differently. This was a new construction of the constitution, and it had grown up with the growth of the far-famed American system. The original doctrine was, that protective duties were to be imposed only in those cases where art, ingenuity, and improvements in machinery would enable us to contend with the manufacturers of older nations. But now a totally new construction was contended for. Wheat, salt, gold, all that God gave us from out of the earth or above the earth, were manufactured articles, and must be protected accordingly.

Mr. WALL said he did not greatly thank the liberality of the honorable gentleman from Georgia [Mr. CUTHBERT] for throwing salt into his dish without his consent; and he should not suffer the question before the Senate to be drawn off to an issue totally different and unconnected with it. The Senator, too, was incorrect in his facts. The porcelain manufacture in New Jersey had not grown into existence since 1833, but had been established in 1828. Nor was it the only establishment to be affected by this bill. The Senator from Pennsylvania [Mr. BUCHANAN] had given the history of a large establishment in Philadelphia, and the Senator from Massachusetts [Mr. WEBSTER] had spoken of some half dozen others. The Jersey establishment had not grown up under the compromise, and, therefore, it, at least, was taken out from one of the principal objections of the Senator from Georgia. He could not say how extensive the establishment was, but he knew that the duty, which was 20 per cent., had received the sanction of several Senators who had been the most prominent and active in advocating the compromise.

Mr. NORVELL demanded the yeas and nays on the question, and they were ordered by the Senate.

The question being then put on the amendment proposed by Mr. WALL, namely, to strike out from the list of free articles China and porcelain, earthen and stone ware, it was carried, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Black, Buchanan, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Hendricks, Kent, Knight, McKean, Nicholas, Prentiss, Preston, Robbins, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, White—24.

NAYS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Fulton, Hubbard, King of Alabama, Linn, Mouton, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Walker, Wright—20.

So the article was stricken out, the duty retained, and the principle laid down in the compromise act complied with.

Mr. DAVIS next moved to strike out the article of "common salt." On this motion a prolonged debate ensued, of great interest and animation, in which Messrs. WRIGHT and PRESTON occupied the floor at considerable length, and in which not merely the immediate question of the duty on salt, but the general bearings of the bill, particularly in its relation to the compromise act of 1833, were discussed.

Mr. BENTON rose to ask for the yeas and nays on the motion, and to give some reasons why it should not prevail. It was a motion vital to the bill, and touched an item in which its greatest value consisted. The motion was to strike from the bill the article of salt, now paying a heavy duty, and which this bill proposed to make free of duty. The item was important for the amount of revenue which it produced, say $650,000 per annum, and far more important as being an article of prime necessity and universal use. This being the importance of the article, I, for one, said Mr. B., am willing to go into the discussion of the whole policy of the bill upon this motion; and, further, if the motion prevails, and salt is to remain a taxed article, I care but little for the rest of the bill. The remainder of the articles embraced in it, with the exception of common blankets, Indian blankets, Liverpool earthen ware, and a few others, are either luxuries or trifles; and if we cannot succeed in rescuing from taxation this article of universal use and prime necessity, I shall not exert myself to rescue luxuries and trifles from it.

We are met at the threshold of this debate by an objection which applies not only to the article of salt, but, also, to almost every article of any consequence or importance which the bill contains; and which objection, if it prevails, will reduce the bill to the lowest degree of insignificance, if not to a state of absolute nullity. This objection is founded upon the last clause in the last section of the famous act of March 2, 1833, commonly called, by its friends, the compromise act, but which has no feature of a compromise, except between politicians, and was, in itself, a frustration of the expressed will of the people, and eminently disadvantageous to the country, as well as grossly derogatory to the powers of Congress. That act, in the clause referred to, undertakes to tie up the constitutional hands of Congress to legislate upon the subject of duties until the 30th day of June, in the year 1842, except in relation to articles which, by the act of July 2d, 1832, were subject to an ad valorem duty of less than 20 per cent., and then limits Congress to action upon this small class of items on the contingency of a deficit or excess in the revenue; with a further gracious permission, in the event of either of these contingencies, to supply the want, if there is a deficit, by raising the duty on this class of articles to 20 per cent.; and to cut off the excess, if there is too much, by reducing the rates of duties on the same class of articles.

This is the act; and the bare statement of its enactments presents an arrogant and unconstitutional, and, as the event has proved, a most unwise, attempt to tie up the hands of Congress for nine years, upon the main subject for which the Federal Government was created, and upon which constant attention and frequent action from Congress is required. I do not, said Mr. B., go into the full objections to this miscalled compromise act at present; another occasion, in the course of the debate, will be taken for that task. At present, I limit myself to a mere reference to the heads of my objections to it at the time it was passed; namely, that it was no compromise to which the States or the people were parties, but a mere arrangement between a couple of politicians, to get rid, for a little while, of a bone of contention between themselves, and to enable them to put their shoulders together against the administration; and, thus arranged, was carried through on a cry of civil war and disunion; that it was artfully contrived to keep up high duties for nine years, and then to let all down at once by a plunge, and so produce a general revulsion, and united effort at restoration to their former position, by all the parties interested in the high tariff; that, far from conforming to the will of the people, it was a frustration of their expressed will, made known in the issue of all the elections, and in the total defeat of the high-tariff candidates for the presidency and vice presidency; that it was eminently disadvantageous to the South and West, as it went to prevent further relief from duties till 1842, and then left Congress at full liberty, after that period, to raise the duties as high as ever; and, finally, that it was an arrogant, unconstitutional, unwise, and impotent attempt to limit, restrain, and nullify the action of Congress upon a subject on which they were bound by the constitution to act just so often as action was necessary. For these reasons, and many others, I opposed this act at the time it was passed; and declared then, as I declare now, that I should pay no more regard to it than to any other act of Congress; and that I should act upon the subject of duties whenever it seemed necessary, by looking to the constitution of the United States, and not to this little truce between a couple of antagonist politicians, for the source of my legislative powers.

The article of salt would fall, as would almost every valuable article in the bill, under the prohibitions of this act. By that act, Congress is doubly prohibited from legislating upon it until the advent of that great day for recovering our constitutional powers, which is designated as the 30th day of June, in the year 1842. The prohibition is double—first, as an article not paying an ad valorem, but a specific duty; and next, as paying a duty above 20 per cent. on the value. Under this act, then, our powers are gone, but under the constitution they are in full force; and, as that constitution does not warrant the levy of more money for the federal Treasury than the federal wants require, and we are now levying more than we want, I, for one, shall proceed to reduce the levy, and shall have recourse to the salt tax as the leading and most eminent article on which the reduction should fall. I put it at the head of the list of the articles for abolition of duty, both for the amount of the tax which it produces, and the nature of the article itself. The tax which it brings to the Treasury is about $650,000 per annum; the article upon which it is levied is one of most universal use and of most indispensable necessity. This tax is great in itself, amounting to near an average of 100 per cent. upon the mass of the salt imported; but it is only by looking into the detail of the tax, its amount upon different varieties of salt, its effect upon the trade and sale of the article, upon its importation and use, and the consequences upon the agriculture of the country, for want of adequate supplies of salt, that the weight of the tax and the disastrous effects of its imposition can be ascertained. To enable the Senate to judge of these effects and consequences, and to render my remarks more intelligible, I will read a table of the importation of salt for the year 1835—the last that has been made up—and which is known to be a fair index to the annual importations for many years past. With the number of bushels, and the name of the country from which the importations come, will be given the value of each parcel at the place it was obtained, and the original cost per bushel.

Statement of the quantity of salt imported into the United States during the year 1835, *with the value and cost thereof, per bushel, at the place from which it was imported.*

Countries.	Number of bushels.	Value.	Cost per bushel.
Sweden and Norway -	8,556	$572	6¾ cts.
Swedish West Indies -	6,856	708	10½
Danish West Indies -	2,351	386	16
Dutch West Indies -	141 566	12,967	9
England - -	2,613,077	412,507	16½
Ireland - - -	51,954	12,276	
Gibraltar - -	17,832	1,385	7¾
Malta - - -	1,500	118	7¾
British West Indies -	959,786	98,497	10
British Am. Colonies -	138,593	30,374	
France on Mediterranean	32,648	2,155	6⅔
Spain on Atlantic -	360,140	16,760	4⅔
Spain on Mediterranean	101,000	5,443	5⅓
Portugal - -	780,000	55,087	7
Cape de Verd islands -	8,134	751	9 1-10
Italy - - -	36,742	1,580	4⅓
Sicily - - -	5,786	156	2⅔
Trieste - - -	7,888	255	3⅔
Turkey - - -	9,377	984	10 1-10
Colombia - -	17,162	1,227	
Brazil - - -	250	68	
Argentine Republic -	402	41	
Africa - - -	5,733	615	10⅔
	5,735,364	655,000	

Mr. B. would remark that, salt being brought in ballast, the greatest quantity came from England, where we had the largest trade; and that its importation, with a tax upon it, being merely incidental to trade, this greatest quantity came from the place where it cost most, and was of far inferior kind. The salt from England was nearly one half of the whole quantity imported, its cost was about sixteen cents a bushel, and its quality was so inferior that neither in the United States nor in Great Britain could it be used for curing provisions, fish, butter, or any thing that required long keeping, or exposure to southern heats. This was the salt commonly called Liverpool. It was made by artificial heat, and never was, and never can be made pure, as the mere agitation of the boiling prevents the separation of the *bittern* and other foreign and poisonous ingredients with which all salt water, or even mineral salt, is more or less impregnated. The other half of the imported salt costs far less than the English salt, and is infinitely superior to it; so far superior that the English salt will not even serve for a substitute in the important business of curing fish and flesh, for long keeping or southern exposure. This salt was made by the action of the sun in the latitudes approaching and under the tropics. We begin to obtain it in the West Indies, and in large quantity on Turk's Island, and get it from all the islands and coasts under the sun's track from the Gulf of Mexico to the Black sea. The Cape de Verd islands, the Atlantic and Mediterranean coasts of Spain and Portugal,

the Mediterranean coast of France, the two coasts of Italy, the islands in the Mediterranean, the coasts of the Adriatic, the Archipelago, and up to the Black sea, all produce it and send it to us. The table which has been read shows that the original cost of this salt—the purest and strongest in the world—is about nine or ten cents a bushel in the Gulf of Mexico; five, six, and seven cents on the coasts of France, Spain, and Portugal; three and four cents in Italy and the Adriatic; and less than three cents in Sicily. Yet all this salt bears one uniform duty; it was all twenty cents a bushel, and is now near ten cents a bushel; so that while the tax on the English salt is a little upwards of fifty per cent. on the value, the same tax on all the other salt is from 100 to 200, and 300, and near 400 hundred per cent. The sun-made salt is chiefly used in the great West, in curing provisions; the Liverpool is chiefly used on the Atlantic coasts; and thus the people, in different sections of the Union, pay different degrees of tax upon the same articles; and that which costs least is taxed most. A tax ranging to some hundred per cent. is in itself an enormous tax; and thus the duty collected by the Federal Government from all the consumers of the sun-made salt is in itself excessive; amounting, in many instances, to double, treble, or even quadruple, the original cost of the article. This is an enormity of taxation which strikes the mind at the first blush; but it is only the beginning of the enormity, the extent of which is only discoverable in tracing its effects to all their diversified and injurious consequences. In the first place, it checks and prevents the importation of the salt. Coming as ballast, and not as an article of commerce on which profit is to be made, the shipper cannot bring it except he is supplied with money to pay the duty, or surrenders it into the hands of salt dealers, on landing, to go his security for the payment of the duty. Thus the importation of the article is itself checked; and this check operates with the greatest force in all cases where the original price of the salt was least; and, therefore, where it operates most injuriously to the country.

In all such cases the tax operates as a prohibition to use salt as ballast, and checks its importation from all the places of its production nearest the sun's track, from the Gulf of Mexico to Constantinople. In the next place, the imposition of the tax throws the salt into the hands of an intermediate set of dealers in the seaports, who either advance the duty, or go security for it, and who thus become possessed of nearly all the salt which is imported. A few persons employed in this business engross the salt, and fix the price for all in the market, and fix it higher or lower, not according to the cost of the article, but according to the necessities of the country, and the quantity on hand, and the season of the year. The prices at which they fix it are known to all purchasers, and may be seen in all prices current. It is generally, in the case of alum salt, four, five, ten, or fifteen times as much as it cost. It is generally forty, or fifty, or sixty cents a bushel, and nearly the same price for all sorts, without any reference to the original cost, whether it cost three cents, or five cents, or ten cents, or fifteen cents, a bushel. About one uniform price is put on the whole, and the purchaser has to submit to the imposition. This results from the effect of the tax, throwing the article, which is nothing but ballast, into the hands of salt dealers. The importer does not bring more money than the salt is worth, to pay the duty; he does not come prepared to pay a heavy duty on his ballast; he has to depend upon raising the money for paying the duty after he arrives in the United States; and this throws him into the hands of the salt dealer, and subjects the country purchaser to all the fair charges attending this change of hands, and this establishment of an intermediate dealer, who must have his profits, and also to all the additional exactions which he may choose to make. This should not be. There should be no costs, nor charges, nor intermediate profits, on such an article as salt. It comes as ballast—as ballast it should be handed out—should be handed from the ship to the steamboat—should escape port charges and intermediate profits; and this would be the case if the duty was abolished. Thus the charges, costs, profits, and exactions, in consequence of the tax, are greater than the tax itself. But this is not all; a further injury, resulting from the tax, is yet to be inflicted upon the consumer. It is well known that the measured bushel of alum salt—and all sun-made salt is alum salt—it is well known that a bushel of this salt weighs about eighty-four pounds; yet the custom-house bushel goes by weight, and not by measure, and fifty-six pounds is there the bushel. Thus the consumer, in consequence of having the salt sent through the custom-house, is shifted from the measured to the weighed bushel, and loses twenty-eight pounds by the operation. But this is not his whole loss; the intermediate salt dealer deducts six pounds more, and gives fifty pounds for the bushel; and thus this taxed and custom-housed article, after paying some hundred per cent. to the Government, and several hundred per cent. more to the regraters, is worked into a loss of thirty-four pounds on every bushel. All these losses and impositions would vanish, if salt was freed from the necessity of passing the custom-houses; and to do that, it must be freed *in toto* from taxation. The slightest duty would operate nearly the whole mischief; for it would throw the article into the hands of regraters, and would substitute the weighed for the measured bushel.

Such are the direct injuries of the salt tax; a tax enormous in itself, disproportionate in its application to the same article in different parts of the Union, and bearing hardest upon that kind which is cheapest, best, and most indispensable. The levy to the Government is enormous, $650,000 per annum upon an article only worth about $600,000; but what the Government receives is a trifle, compared to what is exacted by the regrater—what is lost in the difference between the weighed and the measured bushel—and the loss which the farmer sustains for want of adequate supplies of salt for his stock, and their food. Assuming the Government tax to be ten cents a bushel, the average cost of alum salt to be seven cents, and the regrater's price to be fifty cents, and it is clear that he receives upwards of three times as much as the Government does; and that the tribute to those regraters is near two millions of dollars per annum. Assuming, again, that thirty-four pounds in the bushel are lost to the consumer in the substitution of the weighed for the measured bushel, and here is another loss amounting to nearly three eighths of the value of the salt; that is to say, to about $250,000 on an importation of $650,000 worth.

These detailed views of the operation and effects of the salt duty, continued Mr. B., place the burdens of that tax in the most odious and revolting light; but the picture is not yet complete; two other features are to be introduced into it, each of which, separately, and still more, both put together, go far to double its enormity, and to carry the iniquity of such a tax up to the very verge of criminality and sinfulness. The first of these features is, in the loss which the farmers sustain for want of adequate supplies of salt for their stock; and the second, from the fact that the duty is a one-sided tax, being imposed only on some sections of the Union, and not at all upon another section of the Union.

A few details will verify these additional features. First, as to the loss which the country sustains for want of adequate supplies of salt. Every practical man knows that every description of stock requires salt; hogs, horses, cattle, sheep; and that all the prepared food of cattle requires it also—hay, fodder, clover, shucks, &c. In England it is ascertained, by experience, that sheep require, each, half a pound a week, which is twenty-eight

pounds, or half a custom-house bushel, per annum; cows require a bushel and a half per annum; young cattle a bushel; draught horses and draught cattle a bushel; colts and young cattle from three pecks to a bushel each per annum; and it was computed in England, before the abolition of the salt tax there, that the stock of the English farmers, for want of adequate supplies of salt, was injured to an annual amount far beyond the product of the tax. Dr. Young, before a committee of the British House of Commons, and upon oath, testified to his belief that the use of salt, free of tax, would benefit the agricultural interest, in the increased value of their stock alone, to the annual amount of three millions sterling; near fifteen millions of dollars. Such was the injury of the salt tax in England to the agricultural interest, in the single article of stock. What the injury might be to the agricultural interest in the United States, on the same article, on account of the stinted use of salt, occasioned by the tax, might be vaguely conceived from general observation and a few established facts. In the first place it was known to every body that stock in our country was stinted for salt; that neither hogs, horses, cattle, nor sheep, received any thing near the quantity found by experience to be necessary in England; and, as for their food, that little or no salt was put upon it in the United States; while, in England, ten or fifteen pounds of salt to the ton of hay, clover, &c., was used in curing it. Taking a single branch of the stock of the United States, that of sheep, and more decided evidence of the deplorable deficiency of salt can be produced. The sheep in the United States were computed by the wool growers, in 1832, in their petitions to Congress, at twenty millions; this number, at half a bushel each, would require about ten millions of bushels; now, the whole supply of salt in the United States, both home-made and imported, barely exceeds ten millions; so that, if the sheep received an adequate supply, there would not remain a pound for any other purpose. Of course, the sheep did not receive an adequate supply, nor perhaps the fourth part of what was necessary; and so of all other stock. To give an opinion of the total loss to the agricultural interest in the United States, for want of the free use of this article, would require the minute, comprehensive, sagacious, and peculiar turn of mind of Dr. Young; but it may be sufficient for the argument, and for all practical purposes, to assume that our loss, in proportion to the number of our stock, is greater than that of the English farmers, and amounts to fifteen or twenty times the value of the tax itself!

That the duty upon salt is a one-sided tax--a tax upon some sections of the Union, and not upon other parts--results from the fishing bounties and allowances, which are only applicable to the Northeastern States. These bounties and allowances are founded upon the salt tax, and proceed upon the assumption of reimbursing to the fishing interest the amount of the duty paid upon the salt which is put upon the fish which is exported from the United States. Upon this assumption, about six millions and a half of dollars have been drawn from the federal Treasury; and the payment is still going on at the rate of about $250,000 per annum. Our constitution declares, and, if it did not, the first principles of common justice would prescribe, that taxes and duties should be uniform and equal throughout the Union; but here is no uniformity, no equality. The whole tax that is assumed to be paid in one section of the Union, and far more than is actually paid, is refunded to that quarter; not a cent is refunded in the other quarters of the Union. Thus, what is a grievous tax in some sections of the Union, is no tax at all, but, on the contrary, a money-making business, in another quarter. This is unjust; it is unconstitutional; it is odious and reprehensible. Formerly, at the suppression of the salt tax, in Mr. Jefferson's time, the fishing bounties and allowances were abolished; and in a bill which I myself introduced for the suppression of the tax some years ago, the abolition of these bounties and allowances was made part of its enactments; but opposition was made to it in the Senate; and in the partial reduction of the tax which took place in the bill from the House of Representatives, no corresponding diminution had been made in the fishing bounties and allowances. The present proposition to abolish the salt tax made no alteration in these bounties and allowances. They were permitted to stand, although the whole foundation might be removed on which they rested. Without admitting the equity of this forbearance, I am not disposed to depart from it. I shall make no motion to abolish these allowances; but I draw an argument from it, addressed both to our fellow-citizens of the Northeast and to those of the other sections of the Union; it is an argument addressed to the equity of one side to relinquish, and to the injured rights of the other to demand the repeal of a tax, which is a tax on some quarters of the Union, and not on another part; which is a burden so unequal, so unjust, so partial, so contrary to the declarations of the constitution, and so incompatible with the principles of taxation in a country of equal laws and equal rights.

I think reasons enough have been given for the abolition of this tax; but another reason remains to be advanced. There is a compromise in this case also--a compact--a bargain--for this abolition; one well known to our legislative history, and as binding on the honor of the parties as any such compromise can ever be. The present duty was imposed on a pledge to be taken off in a certain contingency, which contingency has long since happened. The circumstances are these, and they will be recollected by some now present on this floor; and if their memories fail them, recorded evidence will supply the defect. The breaking out of the late war with Great Britain found this article free of tax; it had been made free in Mr. Jefferson's time, and remained so at the breaking out of the war. As a consequence of increased expenses, new taxes were resorted to for the support of the war; and it was proposed to revive the duty of twenty cents per bushel on imported salt. The imposition of the tax was vehemently resisted, but finally carried. The Cato of America, the patriarchal Mr. Macon, though in favor of the war, and of the measures to make it successful, resisted to the last the imposition of this tax, which was finally carried by the small majority of twenty-two votes. It was not until a year after the war was declared, and when the Treasury was driven to extremity for money, that a tax on this article of prime necessity could be imposed. The war was declared in July, 1812; the salt tax was imposed in July, 1813; and then as a war tax, as a temporary measure, to continue to the end of the war with Great Britain, "and for one year after its termination." So says the statute. The war terminated in February, 1815, and in February, 1816, the tax on salt should have ceased; but a heavy debt had been incurred by the war; it was necessary to keep up taxes to pay that debt; and the salt tax, among others, was continued for that purpose, upon the most solemn assurances of being abolished when the war debt was paid. This event has now occurred. The war debt is paid. The contingency for the abolition of the tax has again happened; and the fulfilment of the pledges so solemnly pledged is now as solemnly demanded.

These being the great and cogent reasons for abolishing the duty on this article of prime necessity, the question presents itself, what are the opposing reasons? what can be said against it? To this question we find it answered by the speakers on the other side, [Messrs. CALHOUN and PRESTON,] that the act of 1833 forbids it; and by another, [Mr. DAVIS,] that the fishing bounties

and allowances will be endangered, and that the protection due to the salt manufactories will be withdrawn from them. To two of those reasons, full and explicit answers have already been given. The act of 1833, so far as it attempts to tie up the hands of Congress for nine years, and to prevent them from performing a constitutional duty within that time, is a nullity. As such it has already been treated, and that by the identical persons now composing the Senate and House of Representatives. In the month of June last, and by a clear vote of the majority of the two Houses, approved by the President, the duties on wines, then far above 20 per cent., and in some instances 100 per cent., were reduced one half. This was done in open contravention of the terms of the compromise law; and is a legal declaration, by each House and by the President, that there is nothing in that act which can arrest or ought to arrest the action of Congress, when it thinks proper to act. Besides, compromise can be quoted in favor of this reduction also; for the duty was revived, as has been shown, as a temporary imposition—as a war tax—only to continue till the war with Great Britain was over, and afterwards until the war debt was paid, and with explicit pledges then to be taken off.

With respect to the fishing bounties and allowances, the bill does not propose to touch them; and it is unnecessary to conjure up, through the medium of alarm, an opposition from the fishing interest on that account. Their interest is untouched; why can they not be quiet? Why not let this bill pass?—this bill, which relieves others, and injures not them. Some years ago I moved the abolition of these fishing allowances, as a sequence to the abolition of the salt duty. The whole fishing interest rose up against it; and at that I did not marvel much, for it touched their interests. Now, we propose to abolish the tax, and let the fishing bounties stand; the Senator from Massachusetts [Mr. DAVIS] objects; and at this I marvel greatly; for it does not touch the interest of his constituents. Thus, the fishermen rise up against us, whether we disturb them or not; so that there is no way to relieve ourselves without exciting their opposition. We have to encounter their opposition, whether we disturb their interest or not; and, this being the case, they will have nobody but themselves to blame if, unsuccessful in our attempt to abolish the duty now, without touching the allowances founded upon it, we should, at the next session, at the introduction of another bill, copy the act which was passed in Mr. Jefferson's time, and proceed against the whole together.

The third objection has not been answered, and requires something more of development and detail. It invokes the principle of the protective policy for the preservation of this duty, and calls on the friends of that policy to rally in its defence. Claiming to be a friend to the domestic industry of the country myself, and always voting in favor of protection to it as incidental to the revenue-raising power, when proper occasions are presented, I have now to inquire whether the continuance of this duty can be vindicated on that principle. I maintain that it cannot; and appeal to all the recognised principles of the protective policy for the correctness of this opinion. What are those principles? They are, first, that the protected article must be a necessary of life, for the production of which we should be independent, if we can, of foreign nations. Secondly, that it must be an article requiring skill and capital in its production, and, therefore, necessary to be shielded, during its infancy, from rivalship of perfected skill and accumulated capital in old countries. Thirdly, that, with reasonable protection, for a reasonable time, the domestic manufacture will become established, and will supply the country with the same article, better and cheaper than it comes from abroad.

These are the principles on which the protective policy rests; and now let us test their application to the article in question. In the first place, is it a necessary of life? To that the answer is affirmative, and the test, in this particular, is favorable. In the next place, is it an article requiring skill and capital in the manufacture? To this the answer is, that with respect to the skill, none is requisite; that either in making salt by artificial heat or solar evaporation, the process is so simple that the merest ignoramus can perform it; with respect to capital, whether by sinking wells in the interior of the country, or lifting water from the sea on the maritime coast, very little capital is necessary; and at these two points the test fails, and the protection vanishes. Thirdly, will reasonable protection, for a reasonable time, secure an adequate supply of the domestic article cheaper or better, or even as good and as cheap, as the foreign article? And here the test becomes utterly fatal to the claim of protection. For the salt duties, with a brief intermission of six years—from 1807 to 1813—have now continued almost half a century, and at the enormous rate of several hundred per cent.; and the domestic supply is utterly deficient in quantity, and still more in quality, and far higher than the foreign in price. Upwards of half the salt used in the country is still obtained from abroad; the whole of that used in the provision trade is still so obtained; and the price of the home-made article is often 30, 40, or 50 cents for the regrater's bushel of 50 pounds—in reality about two pecks and a half—while the foreign article, especially the pure alum salt, costs originally from 3 cents to about 9 cents for the measured bushel of about eighty-four pounds; and, coming as ballast, it would cost no more, were it not for the duty, in the seaport towns of the United States, than it does at the place of its production. This test is fatal. Of common salt, near fifty years' extravagant protection has not produced any adequate quantity—not more than about five millions of bushels per annum, which is only half enough for the sheep alone of the country. Of alum salt, it may be assumed that none is made; for, in a national point of view, there is none; the establishments on some parts of the New England coasts only supplying a neighborhood demand. In the Great West, where it is most needed, and where it is indispensable to the provision trade, not a pound of solar-made alum salt is produced. This is enough; but a further view yet remains to be taken. The salt manufactories in the United States are divided into two classes: those of the interior, which draw water from wells and boil it; and those of the maritime coast, which lift it from the sea, and evaporate it by the heat of the sun. The former are protected by distance; the latter have had it long enough; and if they cannot now stand alone, let them fall. It is no part of the protective policy to perpetuate protection, to increase private profits, without accomplishing the national object of procuring a home supply on cheaper and better terms than from abroad. Protective duties were never intended to pamper private cupidity, at the expense of public good. They were not invented to perpetuate and accumulate private wealth, but to promote and diffuse public benefits. When they fail or cease to promote the public good, the reason for them ceases. Finally, the present duty was not laid for protection, but for revenue. It was solely, and in all the periods of its imposition, simply and exclusively a revenue measure. The original duty of six cents a bushel was laid in 1789, along with other duties, to raise money to discharge the debt of the Revolution, and to defray the expenses of the Government. It was raised to twenty cents per bushel in 1797, in the time of the elder Mr. Adams, and to aid in defraying the expenses of the preparations occasioned by the prospect of a war with France. Being suppressed in the time of Mr. Jefferson, it was revived in 1813, as a

war tax, to continue during the war, and for one year after its termination. At the end of the war it was continued, with other taxes, to pay the debt of the war. Thus all claim to the continuance of the tax, as a protection due to the manufacturers of salt, entirely vanishes, and leaves that argument without a particle of foundation to rest upon.

It is now above eight years (continued Mr. B.) since I began this war upon the salt tax. When I first began it, the venerable and venerated Mr. Macon was a member of this body. From his detestation of this tax I learnt to abhor it; and to his sagacious mind, to his enlightened experience, and to his philosophical observation, I am indebted for many of the arguments which I have used against it. I was, comparatively, young and sanguine; he aged and considerate. I expected my speeches to put down the tax; he counted but little on the effect of speeches against interest and numbers. On one occasion, when I had signally failed of my expected results, getting no votes in return for many good arguments, he said to me, in the tone of despair, that we should never succeed: New York and her forty votes was against us. This, indeed, was discouraging; it brought him to despair, and me to doubt. But despair now vanishes; hope breaks in; light appears in the very quarter where lately the black cloud hung. New York is for us; and this very movement—this bill itself, for the instant and total abolition of the impious tax--is a New York movement. The Senator from that State, chairman of the Committee on Finance, [Mr. WRIGHT,] brings in the bill. He supports it with the distinguished ability and the disinterested zeal which illustrate his character. His exposition, at the presentation of his bill, was the guarantee of its success; and I sent off that exposition, as a tribute worthy to be offered, to him who was the oldest and noblest opponent of unjust taxation, and the wisest and steadiest friend of the rights of the people. He sent me back, in reply, these characteristic words: that the repeal of this tax would be a proof that righteousness had not yet left the earth. To the good work, then, let us all stand. Cheerily, let us stand to it. Let us suppress this odious tax. President Jackson, in his last annual message, recommends the task; New York leads off; Macon bestows his benediction; the productive classes await the result. And in this first movement--this auspicious commencement--we all see the earnest of the future, and the wisdom of that policy which has taken, for our next President, the friend and supporter of the present one; and taken him from a State whose lead is as powerful and efficacious as it is patriotic and judicious.

When Mr. BENTON sat down,

Mr. DAVIS obtained the floor, and was about to address the Senate, when,

On motion of Mr. WEBSTER,

The Senate adjourned.

WEDNESDAY, FEBRUARY 22.

INDIAN APPROPRIATION BILL.

On motion of Mr. WHITE, the Senate proceeded to the consideration of the bill making appropriations for the Indian department for 1837.

Mr. W. explained, at some length, the various provisions of the bill; and the several amendments to the bill proposed by the committee were considered and adopted.

Messrs. SEVIER, LINN, CALHOUN, and TIPTON, participated in a discussion, chiefly relating to the removal and location of the Indians.

On motion of Mr. WHITE, the bill was amended so as to authorize the removal of the Indians to the west of the Mississippi, generally, instead of southwest of the Arkansas.

The bill, having been still further amended, on motions of Messrs. SEVIER and WHITE, was ordered to a third reading.

After taking up and considering two or three other bills,

The Senate adjourned.

THURSDAY, FEBRUARY 23.

REDUCTION OF THE TARIFF.

The Senate resumed the consideration of the bill to reduce the duties on certain imports; and the question being on the motion of Mr. DAVIS to strike from the bill the article of common salt, the effect of which is to retain the protecting duty now levied on that article—

Mr. DAVIS rose and said, that as the motion had, on a former day, called forth much discussion in opposition, he felt bound to justify himself in proposing it; and he would here take the occasion to say that he was gratified that this bill, instead of sleeping on the files, had been brought under discussion, for two reasons:

First. The revenue was greater than the demands of the United States required, and therefore ought to be reduced; and, as he approved of most of this bill, he was anxious to give it his support. He should do so, if it received some modifications, so as to save a large body of the citizens of Massachusetts from a sudden, unexpected, and probably a great reverse of their affairs.

Second. If the bill passed in its present form, it would be a distinct declaration to the country that the policy of the coming administration would be to agitate this subject, and to revive the struggles of the opposing sections of the country, which had for a time subsided. If this was to be the policy, he was gratified to have it thus early announced; for those who had spread their canvass to catch the breeze could reef or take in sail before the political storm reached them. It was better to be advised of its approach than to be suddenly overwhelmed by its violence. He had nothing to regret in seeing this subject under consideration, though he should press for some amendments which he deemed important. He should not, in his remarks, touch upon the general subject of protecting the great industry of the country, but should confine himself to the matter in hand, and would show distinctly that common salt had long been manufactured in the United States; that it had on several occasions been countenanced by the Federal Government; that a large capital was employed in it; that the duty was now more than twenty per cent.; that it falls within the provisions of the act of 1833, commonly called the compromise act, and consequently cannot be retained in this bill without modifying the terms of that act, which some gentlemen at least affirm to be sacred. If he proved all this, he felt well assured that this bill, if it became a law, making common salt free of duty, must be held by the country as a declaration which could not be misunderstood; that the tariff of duties was to be the subject of political agitation at future sessions as well as at this.

The time was when it was deemed high and patriotic service to the country to promote the manufacture of salt. All admit it to be an article of the first necessity, as it enters into the consumption of man and beast; and of universal necessity, for the laws of our natures make it almost as indispensable to our existence as the air we breathe. This was early urged as a reason why we should not rely upon the uncertain supplies afforded from foreign countries by commerce, which is liable at all times to be interrupted by wars and restrictions, but should have supplies afforded from our own production, which would be certain and unfailing in all contingencies.

This matter was brought to the test in the revolution-

ary war. Commerce was broken up, and the supplies so utterly failed that the privation and distress was great, as the journal of the Congress during that period will prove.

The price became so great that even the Government could not obtain it for the army; and I need state no other fact to show that it was out of the reach of the poor, who were obliged to yield to the distressing privation.

In July, 1775, Congress raised a committee of thirteen, "to inquire into the easiest and cheapest method of making salt in the colonies."

In December, 1775, "*Resolved*, That as the importation of any universally necessary commodity, and the exportation of our produce to purchase the same, must give a proportionally greater opportunity to our enemies of making depredations on the property of the inhabitants of these colonies, and of occasionally distressing them by intercepting such commodities, it is earnestly recommended to the several assemblies or conventions immediately to promote, by sufficient public encouragements, the making salt in their respective colonies."

June 3, 1777, "*Resolved*, That a committee of three be appointed, to devise ways and means for supplying the United States with salt."

June 13, 1777, "*Resolved*, That it be recommended to the several States to offer such liberal encouragement to persons importing salt as they shall judge will be effectual," &c.

"That it be recommended to the several States to erect and encourage, in the most liberal and effectual manner, proper works for the making of salt."

These are some of the resolves of that distinguished body, which indicate the grievous scarcity of that article, and the privation and suffering both in and out of the army in consequence of it.

In response to this public demand, he said he was informed that the works upon Cape Cod, in Massachusetts, were commenced, and have been continued from thence down to this time. They, therefore, had this early origin in an appeal to the patriotic to meliorate the sufferings of their countrymen.

When the Federal Government went into operation, in 1789, under the constitution, the first work of Congress, after providing the forms of the oaths necessary to organization, was to pass that memorable act with this preamble: "Whereas it is necessary, for the support of Government, for the discharge of the debts of the United States, and the encouragement of manufactures, that duties be laid on goods, wares, and merchandise imported: Be it enacted," &c. This act imposed a duty on salt of six cents a bushel. The duty, therefore, which the Senator from from Missouri [Mr. BENTON] has condemned as odious, and assigned it to the administration of Mr. Adams, as if that cast upon it additional infamy, was the first act of the first Congress under George Washington. In 1790 it was raised to twelve cents, and in 1797 to twenty cents. Odious as it was represented to be, it was continued until 1807, the last year of Mr. Jefferson's administration, when it was all removed, and salt was imported free of duty. Twenty-five years had then elapsed since the revolutionary war, and the privations and distress of that period had faded out of the memories of men; and with this oblivion of the past they forgot the occasion which had excited the public to encourage home production. The country passed on till 1813, when the duty of twenty cents a bushel was restored, and so continued till 1830. The embargo, the non-intercourse acts, and the late war, brought a new pressure upon the country, and fresh suffering, which again reminded the people that salt was an article indispensable to their comfort, and that the supplies by commerce were uncertain and liable to interruptions. The article rose to an extravagant price, selling in many parts of the country at more than five dollars the bushel, (as he had been well informed, here and elsewhere,) and at five and a half dollars the sack in the cities, as a document before him testified. This fresh experience restored men to their senses, and brought them back to the policy of the Revolution; consequently, when the double duties after the war were repealed, that upon salt was left in full force, doubtless to encourage the production.

Fifteen years elapsed, scarcity and high prices were again forgotten, and the necessity of domestic production was again overwhelmed by the very argument used to enforce its expediency. The manufacture was urged, because salt was necessary to all, under all circumstances, and stood upon the same footing as lead, powder, ordnance, arms, and all things necessary to the defence of the country. These, it was said, we should produce ourselves, and rest our dependence upon no foreign nation for supply, as it would be manifestly unwise to trust to the uncertain resources of commerce for the means to defend our country against invasion. Equally unwise was it considered to rely upon a source which had, and doubtless would again, fail us, when commerce should be interrupted from any cause, for an article so necessary as salt. While, therefore, the duty was imposed because the article was one of prime necessity, it was repealed, in part, in 1830, for precisely the same reason. It was then urged, as it now is, that, because all must use it, it ought not to be taxed, but to come in free, though it should destroy the manufactures which had been reared up at a great outlay of capital, and in obedience to the urgent call of the Government itself. The act of 1830 reduced the duty five cents in that year, and five cents in the succeeding year, bringing it down to ten cents, where it stood when the act of 1833 passed, and then it fell under the reducing process of that act. The duty is now eight cents, and next December will fall to seven and a very small fraction.

Such is the history of legislation here upon salt. It proves conclusively that the manufacture is of long standing, and has had the countenance of the Government as deserving protection.

He would now prove its magnitude, as far as he could, by such evidence as he could find on the files here; for he had had no opportunity to hear from those interested, who were at work peaceably at home, and unconscious of the efforts suddenly made here to overthrow them.

The consumption of the country in 1831 was ascertained to be about 10,000,000 bushels, five and a half of which were imported, and the residue, four and a half, produced. The consumption now must be nearly, if not quite, 12,000,000; but the imports for the year ending September, 1835, rise a little above 5,000,000, and, consequently, the domestic production is equal to about 7,000,000 bushels. The capital in 1831 was estimated at about $8,000,000; and, as the production has nearly doubled, the capital now employed doubtless equals $10,000,000 or $12,000,000. The chairman of the committee estimates the duty at 80 per cent. In this I think he is mistaken, as it is manifestly less; but this is not material, as it is admitted on all hands to be more than 20 per cent., and is therefore strictly embraced as a protected article by the terms of the compromise act. And the question is, shall it be abandoned? Is it the purpose of those who go for this measure to disregard that act? If so, then we understand your policy, and, for one, I am happy to see it disclosed.

But is the country prepared for this step? The idea has gone extensively abroad that the compromise act was to be regarded as disposing of these matters for some years to come. The President, in his message,

and the Secretary of the Treasury, in his annual report, have both so viewed the matter, and so proclaimed to the nation. The public is therefore at this moment reposing in tranquillity, not anticipating this action, and not prepared to meet it. Is it just, under these circumstances, to affect deeply an interest which has been maturing for more than half a century, and now affords you the best article of the kind in the country? Shall the people engaged in this business be condemned unheard? Will you not let them have an opportunity to prove that they are entitled to your forbearance? I (said he) ask it in their behalf, and, in fairness, it ought to be extended them. But, reasonable as this request is, I foresee that it will be overruled; and this measure will go through this body. It requires no spirit of prophecy to foretell that an important consequence will follow it. The repeal of the law giving a bounty to those engaged in the cod fishery will follow. This is an old policy, almost coeval with the Government; but it stands on two foundations—on two legs—and, if you cut away one, the superstructure will fall. It rests on the desire of this Government to create a nursery of seamen, by encouraging them to pursue the fishery; and the bounty is further justified, on the ground that the duty on salt ought to be reimbursed.

The manufacture of salt and the cod fishery are carried on by the same population, and at the same ports and places; not that the same individuals are engaged in both branches, but having a soil naturally unproductive, they draw their living from the resources of the sea. It is, as I am informed, the business upon which many mariners who have spent the most vigorous period of their lives in hard and perilous service retire, and employ their capital, to enable them to live comfortably.

Now, sir, I have seen enough of things here to satisfy my mind that, if the duty on salt is taken away, the bounty will follow; for those who have no sympathy with the fishermen will claim this as a matter of right.

Such, sir, is the selfishness of our natures, that, when we are interested to forget the gallant deeds, the heroic achievements, the privations and sufferings, of those who have saved the country from dishonor, and won for it an imperishable name, are obliterated from the mind. Why do you wish for seamen? Why desire to increase their number? Because, in the hour of national peril, they stand on the frontier, and interpose their shield between us and the conflict. They are a living wall along the Atlantic, behind which we take shelter. On them it has been our policy to rely; to them we confide our honor, and at no time have they abused the great trust.

Must we break down this policy? Has the period arrived when the people are so imbued with the spirit of avarice, that we grudge this little pittance to the gallant tars of our country? You have taken from them all the little navigating privileges which they had. You have narrowed, by the last treaty, their fishing ground; and this, and this alone, remains to them. If it must be sacrificed also, be it so. Go on with your policy; take away this 250,000 dollars, or whatever the sum is; take it from the sailors, and give it to your ostentatious fleet, fitting out to explore unknown regions; take the bread from them, and bestow it upon those who are sent out in pursuit of glory! And, while you do this, to make your injustice the more manifest, carry your land bill through the other House, and bestow upon favored individuals your public lands, worth three or four hundred millions of dollars. Do it, and, unjust and ungenerous as it is, the lofty-spirited sailor will scorn to entreat any favor at your hands. He will leave this to those who have smoother tongues and more pliant knees.

But, whatever you do, do not invoke the interests of the poor to aid your course or to justify your measures. The poor desire no such measures, for they have no such contemptible spirit. Their sympathies are all with the sailor; they glory in his generous spirit, his noble achievements, his patriotic devotion, his disinterested benevolence, his lofty American character; for the sailor is poor, and labors for the bread he eats. The poor demand no sacrifice of his rights in their name or for their benefit. The poor only ask of you that you would pursue towards them an American policy—a policy which will give them good wages for their labor—and they will take care of themselves. They entreat of you not to degrade them into the deplorable condition of the miserable population of foreign countries, by reducing their wages to the same standard. Can any truth be more apparent than that, where wages are lowest, there is the most poverty and there the most suffering? The whole history of man proves this. What makes the condition of the laborer so eminently prosperous here? How is it that he enjoys not only great physical but moral comforts and blessings, to an extent surpassing that of the laborer in any other country whatever? It is because he is better paid. Now, sir, if you would degrade this population, if you would assimilate it to that of Ireland, then reduce its wages to the same standard, and you will accomplish your object. Break down the business in which it is employed, by subjecting it to direct competition with foreign pauperism; lessen the demand for labor, by introducing foreign productions instead of our own, and like causes will produce like effects. You will then have as poor and wretched a population as that against which it will, in such circumstances, contend for bread. But I will not here pursue the subject. The laborers, I trust, know their interests, and will take care of them. They shall, at all times, have my most hearty co-operation.

But what is this boon which the Senator from Missouri proposes to give to the poor, at the expense of the sailor? The whole revenue derived from salt is rather less than half a million of dollars. Now, divide this among the whole population of the country, rich and poor, equally, and what is it, if every soul should pay an equal sum? Less than three cents a head. And does he seriously believe the poor to be so selfish as to desire this, when such a result is to follow? If he thinks the poor are mean-spirited or avaricious, he mistakes their character: they are not to be tempted to be instrumental in perpetrating a wrong, under such a delusion as this. He mistakes their character and sentiments, and does them great injustice. They ask no such favors, and are the advocates of no such measures. Nothing can be further removed from my views of a wise policy than to tax the poor. I desire no such thing, and they shall have every effort of mine to relieve them from all burdens, as far as it lies in my power. But I would not take from them an ounce, to lay upon them the greater weight of a pound. I would not relieve them from an annual tax of three or four cents, and thereby introduce a policy that would soon call for the sacrifice of half their earnings. I can have no desire but that of their prosperity; no interest that is not theirs also. If they suffer, I must suffer with them. If they prosper, I may hope to participate in it; for a common prosperity is felt by all the community.

If this sacrifice must be made, forbear, I entreat you, to wrong the poor so much as to do it in their name. Strike at the protection of the salt works; take away the bounty on the fisheries, if your policy requires it; leave no proofs behind you that you respect the character or the occupation of the sailor; and still he has a manly spirit that will triumph over it all; he will live without it; and, I doubt not, the patriotic ardor of his honest heart will remain unquenched.

But this is not the only thing this bill aims at, as I stated yesterday, when I moved to strike from it olive oil.

We have another great fishery, which employs a vast capital, and about 12,000 seamen. There are now, as I am informed by one engaged in the business, 506 ships afloat in the whaling business, estimated to be worth about $15,000,000, and their returns estimated at the probable value of from twenty-two to twenty-five millions. This, like the cod fishery, is carried on as a partnership, each sailor being interested in the voyage. The fishermen have thought the duty on olive oil to be useful to them, as it comes in competition with theirs. They have thought it reasonable that it should be kept on, as our oil is subjected to very heavy duties in Europe. Of the extent of this advantage I am not able to judge, as I have had no opportunity since this bill came before the Senate to learn the views of those interested. It is, however, enough for me to know they have heretofore thought it important. It is all they ask, and the whole revenue derived from it is $23,000. It may affect them injuriously, and therefore it seems to me unwise to take it off. Is it not most judicious first to learn the facts? The men engaged in this business are high-minded and honorable, and, if they cannot make out the propriety of the course, they will not ask you to adhere to it. But I must be permitted to ask why these two navigating interests are selected from all the branches of industry, for this experiment? Are they the least worthy of regard—the least important—the least meritorious? Your legislation has long been tending towards subjecting the navigation of the country to the severest possible competition. One privilege after another has been removed, until we have now reached the last, and there seems to be an impatience to tear them away. With what justice can you call on the navigator to pay duties on duck, on iron, and many other articles which he consumes largely, and take from him these little compensations? If they must be removed, be it so. Let the decree go forth; but I hope some reason will be assigned for it.

I know it is said, and said truly, that we have too much revenue. And while I admit it ought to be reduced, and am as anxious as any gentleman on this floor to accomplish it by this bill, still I cannot resist the conviction that there ought to be something like reciprocal justice in the policy; and if certain interests are selected, while others are left, there ought to be some reason for it. The system of protection embraces the whole industry. It is an entire thing, for the benefit of all; and when you lose sight of that view, it becomes partial and unjust. It contains in itself a compensating principle, that is designed to do justice to all; and if you take that away, you cannot fail to create discontent, and to weaken the interests which are not attached. There is no more sure way of reducing wages than to assault each branch of industry in detail, and by that policy bring those who ought to be united to war one upon another. Those who produce iron claim protection; but with what propriety can they ask for the countenance of the navigators, who consume it largely, if they take away what goes to protect and foster the navigating interest? The laborers, and by laborers I mean all who work, must stand together and protect one another, or they will be made the victims of a policy that will bring them to a level with those who struggle for existence in Europe. They must not be deluded, by little promised advantages, to adopt a course that will be ruinous.

I have been looking forward to the time when this great matter would be disentangled from politics and politicians; when the fervor of excitement would subside, and the public mind become tranquil; when the two great contending parties would see what is undeniably true—that an exclusive policy, adapted to one part of the country, and one alone, can never meet with public approbation; when this great subject would be approached in a spirit of mutual concession and forbearance, and the Southern and Northern industry be all placed upon a footing that would secure to it a stable and enduring prosperity. I thought I saw the dawnings of such an era, a gradual conviction gaining upon the public mind that the prosperity of the North and the South might exist in harmony. When a proper time comes, as I trust it may be permitted to, I hope this adjustment will take place, and public harmony follow upon it, giving to the Union new strength and vigor. With feelings and sentiments of this kind, it seems to me the North has forborne to disturb or to complain of the compromise act, but have acquiesced thus far in its provisions. They are, in no respect, responsible for this movement.

The proposition now is to make salt free. This is not a modification, but a total abandonment of the interest. We have in Massachusetts a capital of about two millions of dollars invested in a great number of works, exposed as much as capital can be in any part of the country to all the fluctuations of price arising from heavy importations. You are about to remove all protection, and leave it to its fate. This is what Great Britain dare not do with her strongest interests. She does not venture upon such a measure with articles which she exports to a vast amount, for the plain reason that a state of things may exist in other countries, from an excess of production, or from pecuniary distress or embarrassment, which may induce them to export at a loss. If such goods or merchandise can come in free in large quantities, even for a short period, prices are greatly reduced, and ruin follows, without any permanent benefit; for prices go back after the mischief is done, and the causes which created it have subsided. It can never, therefore, be wise, when you mean to give stability to business, to suffer it to be thus exposed to all the fluctuations of foreign distress and embarrassment. Let your own citizens have the benefit of some protection, even if it be small, to enable them to withstand such contingent shocks, which constantly occur in commerce. From sixty per cent. to nothing is a long, and, I fear, a hazardous stride as well as bad policy. All goods can never be free, unless the mode of raising revenue is changed. Why should the policy be reversed as to salt? Has it been unwise? Look at the prices since the reduction of duty, and see whether any such great advantages as are predicted will follow. If the works here are destroyed, I will hazard the opinion that the average price of salt will be fully equal to what it has been.

I am aware, however, that the works on the seacoast are in a different condition from the great works of the interior. The latter have all the benefit of a long and expensive transportation, which is equivalent to a strong protection against the foreign article. The manufacturers, therefore, of the interior, have comparatively little cause to complain or to be alarmed; and probably this is the reason why our interest is so little regarded.

The Senator from Missouri [Mr. BENTON] expressed himself highly gratified at what he described as the unexpected magnanimity of New York, and the patriotic sacrifice made by her of her great interest in this manufacture, for the public good. It seems that his venerable friend (Mr. Macon, of North Carolina) had on some former occasion despaired of ever throwing off this duty, because of the great interest of the empire State. When this bill was brought in, the Senator from Missouri took an early occasion to congratulate his friend upon such signal disinterestedness. Now, if the Senator and his venerable friend had looked into this matter, and better informed themselves, they would have spared me the trouble of proving that this matter affords little occasion for compliment or the high commendation bestowed upon it. The works of New York are far interior, upon and near her great canal. She holds in her own hand the key that unlocks the gates of this highway, and ex-

acts a toll upon all foreign salt, which so entirely prohibits it from entering the country that it is utterly excluded; and New York secures to her works not only a complete monopoly of the market of her great interior West, but of the vast country on the lakes, extending thousands of miles. If this information, which I derive from sources that may be relied on, is incorrect, the Senator from that State can inform the Senate. This monopoly is so exclusive, that the State levies an excise of six cents a bushel on the manufactured article at her own works, and puts the money into her treasury. This bill does not, therefore, touch the works of New York, or affect the interest of her citizens in the slightest degree. She can, therefore, very well afford to make such sacrifices, in which she gets commendation for her magnanimity, while we are the victims. The Senate and the country will now understand how to appreciate this magnanimity.

The Senator from Missouri has offered another reason in support of this measure, which I will also notice, for its singular character. He says the business is in the hands of *regraters*, a term, though not unknown, yet nearly so in commerce. Regraters are traders, persons who buy and sell; and the Senator thinks this would be broken up if the duty should be repealed. I know not what his expectations are, nor what his ideas in regard to trade are, but he must have come near to the conclusion that it is criminal to buy and sell. What does the Senator desire? What does he aim at? Are people to be deprived of the liberty of traffic? Must they come here, and, bowing themselves down, humbly ask permission to do ordinary business? If a man is engaged in the common pursuits of life, is he to be denounced and condemned, loaded with opprobrious epithets, and held up to scorn? Is it not one of the first and highest principles of public liberty, that all persons may engage in lawful pursuits? Where is this intermeddling with private concerns to end? Is this Government to pry into individual concerns, to ascertain how much and in what way men do business? To give this man permission to go on, that to enlarge, and order another to diminish? No people of spirit could for a moment bear this arbitrary interference.

But suppose it is true that there are regraters, speculators who buy and sell, and the public are craftily played upon by their artful contrivances, how will removing the duty remedy this evil? Will the power of regrating be taken away or impaired? What is to hinder their operating upon salt free of duty as effectually as upon that subject to duty? Let the Senator assign a reason if he can. The proposition shows at once that none can be assigned. This remedy for such an evil may therefore be set down as extraordinary.

Again: that Senator has taken much pains to speak of the low price of salt in foreign countries, showing that it may be purchased in some places at three cents a bushel. But, while he stated this, he omitted to state another fact, that we import no salt, or substantially none, that costs so small a sum. The tables of imports which lie before me settle this matter. The importation of 1835 may be taken as a sample of all other periods. The amount was 5,375,000 bushels; of this, 3,800,000 came from England and her dependencies; of the remaining million and a half, about one million from Portugal. By far the larger portion of salt comes direct from Liverpool, and is estimated to cost there, in the document before me from the Treasury, fifteen cents. It is, as every body knows, an inferior article to the salt of Cape Cod, which is made by solar evaporation. The reason of this is manifest. Our great exporting trade goes to England, and the homeward freights are comparatively cheap, and the price of salt will always depend much upon the activity of that trade, and the consequent occasions vessels have for ballast or homeward cargoes. The statement of the Senator, therefore, if taken without explanation or qualification, would mislead the public mind.

Sir, twelve cents of the duty has been removed, and although the last three years have been very great exporting years, and consequently very favorable to a strong reduction of price, yet no reduction has been experienced, approaching to the predictions made when the law of 1830 was passed. This has probably served to perplex the Senator. If this bill should affect, as it probably will, the manufacture here injuriously, the trade will only be more fluctuating than it has been, while little or nothing will be gained in the average price.

I have, sir, felt it to be my duty to say thus much in vindication of the interests of a portion of my constituents, and of the principles which guide me in voting here. And I repeat that I am anxiously desirous to throw no unnecessary obstacle in the way of this bill. I approve of nearly the whole of it, and hope it will take a form that I can vote for it. I cannot, however, be reconciled to an act which selects our interests, and especially our navigation, for experiments. Let us have equal and exact justice, and we are content; for we ask no local or special privileges. If I do not mistake the facts, I think I have proved all I proposed to establish; and with this vindication of our rights I leave the matter to the judgment of the Senate.

Mr. BENTON rose, and went into an argument at some length in reply, to prove that the bounty on the cod fishery rested wholly on the duty upon salt, and that there would be no ground for continuing it after the duty was repealed.

Mr. DAVIS observed that he was gratified with the frankness of the Senator, for some discredited him when he said the repeal of the bounty law would follow this act. He thought he did not misunderstand the hints which were thrown out, and he now had the best evidence that he did not. He would, however, on a proper occasion, show that the bounty was for other purposes besides reimbursing the duty on salt. He could establish this, but he feared it would avail the fishermen nothing.

Mr. CALHOUN rose and addressed the Senate as follows:

The annunciation by the chairman of the Committee on Finance, that this bill was framed and introduced on the assumption that the act of 1833 was no longer to be respected, gave to it an importance which demanded the most serious consideration. That act closed the tariff controversy between the North and the South; and the question now presented is, shall it again be opened? Shall we reopen a controversy which, during the long period from 1821 to 1833, agitated the country, governed its legislation, controlled the presidential elections, and finally shook its institutions to the centre? Shall we of the South, in particular, assent to open this formidable controversy--we who are, on this subject, in a permanent minority? Shall we agree to surrender our share of interest in the act of 1833--an act which has already repealed from twenty to twenty-five millions of duties annually, and which, if left undisturbed, will in a few years take off ten more, and reduce the duties to the constitutional and legitimate wants of the Government? Will we agree to surrender all of these advantages, which were extorted from the adverse interest at the hazard of civil conflict, and take our chance in the renewed conflicts which must follow, if the controversy be again opened? This the chairman of the Committee on Finance asks you to do; and what is the compensation he holds out to you for such great sacrifices?

The whole may be summed up in the repeal of the duty on salt, amounting annually to about $350,000. It is true, this bill goes further, and provides for a reduc-

tion to the amount of $2,400,000 annually; but of these the larger portion are duties under twenty per cent. ad valorem, which by the act may be repealed without disturbing the compromise; and the residue, with the exception of salt, and perhaps on one or two other articles, are either of a doubtful character, or can be repealed by common consent of all the interests involved. Here, then, is the great boon which is proffered by the Senator, [Mr. WRIGHT,] to induce us to sacrifice our interest in the act of 1833; to magnify which, he has pronounced an eulogium on the magnanimous course of the State of New York, in assenting to the repeal of the duty on salt; of which article, he tells us, she manufactures more than any other State, while he forgets to inform us that she has little or no interest in the repeal, as she has secured a monopoly in favor of her manufacture by the imposition of an enormous duty on the transportation of salt on her canals, through which channel only the imported can come in competition with the manufactured salt. The question now to be decided is, shall we accept the boon, and make the sacrifice?

I acknowledge the duty to be odious and unequal, but I must think, as much so as it may be, we should purchase its repeal too dearly by the sacrifice we are asked to make. Regarded as a mere pecuniary transaction, and laying aside all political considerations, we would not be justified. The duty on salt amounts, as I have stated, to upwards of half a million annually, while the average reduction of duties under the act of 1833 will not be less than two millions annually, for the next five years, all of which we may reasonably expect will be taken off, if, on our part, we firmly adhere to the act. But this is altogether too strong a statement of the case on the side of repeal.

The Senator, in his eagerness to magnify the oppressive character of the duty on salt, stated it to be ten cents the bushel, overlooking the fact that the act of 1833 has already reduced it below eight cents, and that it will in a short time reduce it below three, if it be left undisturbed; so that the real question is not between a repeal and a permanent continuance of the duty at ten cents, as the Senator would have us believe, but between a sudden repeal of eight cents, and a gradual reduction, in the course of a few years, to the low rate of duty I have stated. It is, in fact, substantially a question between a sudden and a gradual repeal; and, regarded in that light, I would submit to the judicious of all parties which is the preferable, viewed in the abstract, without regard to the act of 1833. The chairman states the present duty at an average of about eighty-six per cent. ad valorem; I would ask, would it be wise to repeal at once so high a duty? Can it be done without ruinous losses, as well to the dealers in the article as the manufacturer? Even Carolina, in the heat of her contest against the protective system, never contemplated allowing less than six or seven years for the reduction of the protective duties to the revenue point; and shall we now, by a sudden and total repeal of so high a duty, prove ourselves less considerate in relation to existing investments than a State so decidedly opposed to the whole system in the midst of the greatest excitement?

But, whichever may be preferable, it is certain that the practical difference, as far as the South is concerned, is too small to warrant the sacrifice of the great interest which she has in maintaining inviolably the act of 1833, particularly when we consider that, as small as is the difference, we have no assurance of ever receiving this inconsiderable boon. Let us not forget that, if we of the South vote for this bill, we not only give much where we can receive but little, but we also give a certainty for an uncertainty. By the vote itself, whether the act passes or not, we surrender our position. We cannot, after disregarding the interests of others in the act, insist that they shall respect ours, when they become the subject of discussion. If we should now vote to repeal or reduce duties more rapidly than the act provides, how can we complain if the manufacturing interest should hereafter increase the duties, or retard or arrest the reduction provided by the act? Fair and honorable dealing has ever distinguished the Southern character; and I trust we have too much self-respect to complain, if the measure we now mete to others should hereafter be measured to ourselves. Our vote, then, for this measure would release the opposite interest from all obligation to respect the act of 1833, whatever may be the fate of this bill. Now, I ask, what assurance have we that this bill will pass? Is it not almost certain that it cannot? We are now within seven days of the end of the session. The bill is in Committee of the Whole, and cannot pass the Senate in less than two days; and what prospect is there that it can pass the other House in so short a time as remains, with the great diversity of opinion which must exist there as to this measure? It is next to impossible.

But suppose it to be practicable, have we any assurance that those who have introduced the bill are sincere in their desire to pass it? Have we no cause to apprehend that it is a mere political manœuvre, without regard to the interest of North or South, and which the contrivers would rather see defeated than passed? I must say that, to me, it seems to wear that appearance. Why has this bill been delayed to this late period? It is now more than three weeks since it was reported, and why were measures of little importance, and, to say the least, of doubtful policy, permitted to occupy the time of the Senate, in preference to this, which we are now told is so important? Why such contradictory declarations as to the state of the Treasury? At one time we are told there will be no surplus, and that the duties must be raised; and at another that the revenue will be so excessive as to call not only for the passage of this bill, but the extraordinary one which has passed this body in relation to the public lands? With all these indications, gentlemen must not be surprised that I am somewhat incredulous as to their zeal or sincerity, which is not a little increased when I look to the source from which it comes. Have you forgot the tariff of 1828, that bill of abominations so execrated by the South, and which has brought so many disasters on the country? I have [looking at Mr. WRIGHT] its author in my eyes, and he knows the fact. He well remembers the part he bore in the passage of that act, and the means by which it was effected. It was passed by a breach of faith. We were deceived then. It will not be my fault if we be deceived now. To guard against that, I must ask the indulgence of the Senate while I give a brief narrative of the passage of that oppressive act, and the part which the Senator acted at the time. I have no intention to wound his feelings. My object is not personal. That would be unworthy of the occasion, and, I trust, of myself. Far different motives actuate me. From the past we learn to anticipate the future. We then followed his lead. We know the result. He now invites us again to follow him on the same subject, though apparently in an opposite direction. Shall we follow? His course on the former occasion will best enable us to decide that question. I was a witness of the events of the day, and feel called upon to give the history of the transaction, in order to guide our decision now.

The tariff of 1828 was as much a political movement as a measure of protection. The protective policy had triumphed in Congress by the passage of the tariff act of 1824, which was followed by the election of Mr. Adams to the presidency the next year, by which the protective system gained an ascendency in the executive, as it had previously in the legislative department of the Government. Emboldened by this success, an attempt was made

in the session of 1826-'27 to increase the duty on wool and woollens, which was rejected by my casting vote as presiding officer of this body. These interests, not finding themselves strong enough to force their way through Congress, determined, in the spirit of the system, to unite with other interests, so that by their joint influence they might secure a majority. With this view, a combined movement was made by the manufacturing interests, which met at Harrisburg, and agreed on a new tariff, to be laid before Congress at the next session, and containing a long list of articles, with a great increase of duties. This movement was understood to have the countenance and support of the then administration. In the mean time, the anti-tariff interest of the South had selected General Jackson as the candidate against Mr. Adams for the presidency. His principal strength in the tariff States lay in Pennsylvania, New York, and Ohio. They were thoroughly in favor of the protective system, and his supporters there were not a little alarmed at the movement at Harrisburg. The battle was to be fought in Congress, and thus the presidential election came to be blended with the subject of the tariff, as it will ever be when an open question.

On the meeting of Congress, the administration proved to be in a minority in the House of Representatives, and their opponents elected Mr. Stevenson (now minister at the court of St. James) Speaker; and then, as now, a devoted friend to the President elect. It was apparent that the movements of the session would be governed by the tariff question, and the Committee on Manufactures was so organized as to give the control to the friends of Mr. Van Buren in the Middle and Western States. Mr. Mallary, who had long been chairman, was continued, but the present chairman of the Committee on Finance [Mr. WRIGHT] who was then a member of the other House, Mr. Moore, of Kentucky, afterwards minister to Colombia, and Mr. Stephenson, of Pittsburg, were placed on the committee, who, with one member from the South, gave a majority against the administration. Representing, as the committee did, the interests of the Middle and Western States, which were thoroughly tariff, without opposing or conflicting interests of any kind, they reported a bill with much higher duties and far more comprehensive in its items than the Harrisburg project, which was predicated on the joint interests of the whole tariff party, comprehending New England, where industry was divided between manufactures on one side and commerce and navigation on the other. The staple States were wholly opposed to the protective system; and their representatives, being in a minority, had no alternative but to choose between the two projects; and the question was then presented, what ought to be done? One of two courses might be taken: to join the New England interest, and vote such amendments to the bill as would make it acceptable to them, or to resist all such amendments, and take the chance of the members from New England joining those of the South, to defeat the bill on its passage in one or the other House. By the former course they would certainly defeat the bill as reported by the Committee on Manufactures, but they would as certainly insure its passage in a mitigated form, as the members from the Middle and Western States would take any tariff, however small the increase of duty, rather than have none. The former would have fixed the system on the country more firmly than ever, particularly as it would have involved, in all probability, the re-election of Mr. Adams, the acknowledged candidate of the tariff interests. The latter afforded a reasonable prospect of defeating the whole system, as well as the re-election of Mr. Adams. The difficulty in this course was the possible reunion of the two tariff interests by mutual concession in the last stage, in order to insure the passage of the bill. To guard against that result, assurances were given which placed the representatives of the South at ease on that point. I speak not of my own personal knowledge. It was generally so understood at the time; and I was informed by individuals who had a right to know, and who consulted with me what course, under the pressing difficulties of our situation, ought to be adopted, that such was the fact. Our friends accepted the assurance, and accordingly resisted all amendments that would make the bill acceptable to the Eastern interests, as the only possible means of defeating an odious and oppressive system.

The bill passed the House, but in so obnoxious a form to the New England States that a large portion of their Representatives joined those of the South in voting against it. When sent to the Senate, it was soon ascertained that, in this body, where the Southern and Eastern States had a much larger representation in proportion, there was a decided majority against it in the form it came from the House. Every New England Senator, with the exception of one or two, was understood to be decidedly opposed; and, relying on the assurance on which our friends acted in the House, we anticipated with confidence and joy that the bill would be defeated, and the whole system overthrown by the shock. Our hopes were soon blasted. A certain individual, then a Senator, but recently elected to the highest office in the Union, was observed to assume a mysterious air in relation to the bill, very little in accordance with what there was every reason to believe would have been his course. The mystery was explained when the bill came up to be acted upon. I will not give in detail his course. It is sufficient to say that, instead of resisting amendments, as we had a right to expect, he voted for all which were necessary to secure the votes of New England; particularly the amendments to raise the duties on woollens, which were known to be essential for that purpose. All these amendments, with one or two exceptions, were carried by his votes, as appears from the journal, now on my table, which I have recently examined. If his name had been recorded on the opposite side, they would have been lost, and with them the bill itself. He held, at this critical juncture, the fate of the country in his hands. Had he acted in good faith, the bill of 1828 never would have become a law; and the responsibility of its defeat would have fallen on those who first moved on the subject, and would have prostrated the administration which gave that movement its support. With the prostration of the administration would have followed that of the protective system itself, and thus all the consequences which followed that disastrous act would have been averted. Why a course which good faith as well as the public interest so obviously dictated was avoided, and the opposite pursued, has never been explained. It is certain that the instructions of the New York Legislature did not require it; but it may be that those by whose agency the bill was passed, and who owe their present ascendency to it, then, as now, saw the advantage, in a party view, in having the tariff an open question, however much the country might be the sufferers.

Having traced the tariff of 1828 to the chairman of the Committee on Finance and the President elect, as its authors, I next propose to trace, very briefly, what followed, down to the passage of the act of 1833, which settled the controversy that grew out of the former, and which this bill, originating with its authors, is intended to unsettle, in order that the Senate may have a connected view of the whole series of events connected with this deeply important subject, and of which the present measure forms the last.

I have already stated that General Jackson had been selected by the opposition, as the candidate against Mr. Adams; and it now becomes necessary to add what were the motives which governed the opposition, as far as

myself and friends were concerned, in making this selection. They were altogether political. There never was any intimacy, at any time, between him and myself. Our relations were simply friendly, without being in any degree confidential. The leading objects were to reverse the precedent that brought Mr. Adams into power; to arrest the protective system; to overthrow the principle in which it originated, and to restore the old republican doctrines, from which the Government had so greatly departed.

After a long and arduous struggle, the protective system had completely triumphed, as has been stated, in the election of Mr. Adams. Successful opposition to an anti-tariff candidate was hopeless; and the opponents of the system were, accordingly, compelled to elect some one whose position, in relation to the tariff, was not well defined; and who had a popularity in the States friendly to the protective system, unconnected with politics. General Jackson united these advantages, to which he added others, which recommended him to the confidence of the South. He was a cotton planter and a slaveholder; and as such, it was believed, would use his power and influence to arrest the further progress and to correct the excesses of a system so oppressive to the staple States. Circumstances connected with the passage of the act of 1828 first weakened that confidence. I refer in particular to the course of one of the Senators from Tennessee at the time, who was known to be in the entire confidence of General Jackson. I mean not him [Judge WHITE] who sits at my right; his conduct throughout was above all suspicion; and let me here add, as an act of justice, that, at a subsequent period, when the bill of 1833 was pending, the country owes much to his upright and firm conduct, as the presiding officer of the Senate, in effecting the passage of that measure, which closed the controversy and saved the country from a civil conflict. The course of Mr. Eaton, the individual to whom I allude, was well calculated, on the occasion, to excite doubts as to the views and intentions of General Jackson in relation to the protective policy. Without going into detail, it is sufficient to say that he voted for the bill; and that on one or two decisive questions, on which the fate of the bill depended, it was saved by his votes. These indications shook our confidence in General Jackson; and that, at the critical moment when the passage of the bill cast so deep a gloom over the South, and menaced with so much danger the liberty and institutions of the country.

With the decline of our confidence in General Jackson, it became necessary to seek some efficient remedy that could not deceive, should he fail to fulfil the object for which we selected him as our candidate. That remedy we found in State interposition, and every effort was made without delay to revive the doctrines of the Kentucky and Virginia resolutions of 1798, which formed the original basis of the republican party, but which had so long laid dormant, or neglected, as furnishing means of arresting the fatal consequences of the act 1828, in the event that all others should fail.

In the mean time, the opposite interest was not idle. Measures were taken without delay to secure and perpetuate the advantages already acquired. With this view, the first movement was made by Mr. Dickerson, then a member of the Senate, but now Secretary of the Navy, and who was then, as now, a decided friend of the President elect. At the next session he introduced a bill for the distribution of the surplus revenue, as a permanent measure, intended to perpetuate and protect the system. This was the origin of the measure, now so frequently and loudly denounced by the Senator from New York, and those who acted with him. Whatever evil may flow from it, the responsibility is on him and his political associates, who originated and supported the tariff of 1828. As to us, we saw at once the design and tendency of the measure, and without delay opposed it so decidedly as to defeat its passage. I am gratified to perceive that the Senator, with whom the act of 1828 (the cause of the surplus) originated, is now compelled to acknowledge by his acts our foresight, and the correctness of the course which we pursued; but he must permit me to say that it is unkind in him, who was the author of the evil, to hold us up as the friends of distribution—a measure originating with his party, and introduced in order to perpetuate an act of which he is the author. Instead of censure, he ought to give us some credit for sagacity in foreseeing those evils which he now so often denounces, and for our patriotism in raising our warning voice against the measure in which they originated. He might surely, in our past conduct, find some apology for us, in the fact that we, who have been opposed to distribution, should now, when the surplus is in a regular course of reduction by the act of 1833, prefer depositing an unavoidable surplus with the States, rather than leave it to the deposite banks, for the benefit of stockholders and political partisans. It is not exactly just that they who have done the mischief should escape the blame, and that censure should fall on those who have in every stage been opposed to distribution, and have done all in their power to prevent a surplus.

The failure of Mr. Dickerson's movement in Congress, to perpetuate the tariff of 1828 by distributing the surplus revenue, did not deter the party from pursuing their favorite scheme. The next movement was at the Hermitage, and with so much success that General Jackson was secured in its favor before he arrived in this place to assume the duties of Chief Magistrate. As short as was his inaugural address, it contained, as originally draughted, a recomendation in favor of distribution, which he was induced, with great difficulty, to take out. I speak not of my own knowledge, but on authority on which I implicitly rely. The scheme was not abandoned, though taken out of his inaugural address. He strongly recommended it to Congress in his first and second annual messages, in direct opposition to the opinion of several of the ablest members of his cabinet; and this, too, before the reduction of the tariff of 1828, when, according to his confession in his last message, it would have tended powerfully to perpetuate that oppressive and disastrous measure.

That he acted in concert, in all this, with the authors and supporters of the tariff of 1828, we have conclusive evidence in the corresponding movements of the New York Legislature. Governor Marcy, of that State, followed up the message of the President by a strong recommendation in favor of the distribution of the surplus, to which the Legislature responded by a vote of approval, with a decisive majority; but the measure was too repugnant to the feelings of the community to be forced through Congress, even by the aid of party machinery, backed by the influence and popularity of the President.

In the mean time, the period of the final payment of the public debt was rapidly approaching, when, without a very great reduction of duties, there must be an immense surplus revenue, which could not be absorbed by the legitimate objects of expenditure; and yet the administration then, as at all times, under the control of the party to which the Senator belongs, were too much engrossed in the paltry politics of the day to make the least preparation to meet a juncture so full of embarrassment and danger. Our course was different. We clearly saw what was coming, and prepared in time for the crisis. We saw that if the tariff of 1828 was perpetuated, the staple States would be reduced to poverty and ruin; and accordingly opposed, with all our might, every attempt of the Senator and his party to perpetuate that odious and oppressive measure. We saw, with equal clearness, that without reduction there would be an immense sur-

plus, and, at the same time, that there was not the slightest prospect of such reduction from those in power, who were either blind to the danger or too indifferent to the interests of the country to bestow a moment's attention on the subject. Above all, we saw the danger of so large a surplus; the vast increase, in consequence, of the power and patronage of the Executive; the corruption and speculation that would follow, with the loss of all responsibility on the part of those in power. In all this we could not but see the overthrow of our institutions, and, with them, of the liberty of the country, unless some effectual remedy should be applied. This remedy, as I have stated, was to be found in State interposition; and we accordingly spared no exertion in preparing our State to meet the coming danger, under the banner of State sovereignty. In the mean time, we patiently waited the final payment of the public debt, when, if a sufficient reduction of the duties was not made, by which only the approaching calamity would be averted, it was resolved to interpose the sovereign voice of the State, as the last and only efficient remedy.

At the opening of the session of 1831-'32, the President, in his annual message, announced that the public debt might be considered as extinguished, as there was sufficient money in the Treasury to meet the remnant unpaid; and then, for the first time, the administration began to move on the reduction of the protective duties; but even then, when forced by necessity to act, so absurd and inefficient were the schemes proposed for reducing the duties, that it may well be doubted, even now, whether their desire to keep open the dangerous and vexed question of the tariff did not preponderate over all other motives. Instead of proposing a system of gradual reduction, which would bring down the duties in a limited period to the wants of the Treasury, after the discharge of the debt, without the overthrow of the manufacturing establishments of the country, which was obviously the only practicable and wise course, a partial and inefficient bill was introduced, which provided a limited reduction, without any regular plan. It received the sanction of Congress, and was officially announced to be a final adjustment of the tariff between the conflicting interests. The amount of the reduction of the revenue under its provisions was estimated not to exceed three or four millions of dollars, and yet it was seriously maintained that this inconsiderable reduction would bring down the revenue to the wants of the Government; and such was the force of party delusion at the time, that gentlemen of intelligence returned home and staked their reputation and re-election on that issue. But we were not deceived then, as we do not intend to be now. We clearly saw through the deception, and took our stand at once, with a fixed determination to close the dangerous controversy, and throw off the oppressive and unconstitutional burden which weighed so heavily upon the energy and prosperity of the South. The time for action had arrived. The debt was paid, and yet the tariff of 1828, the offspring of the Senator from New York and his party, remained almost in full energy. After a warm canvass, the State of South Carolina, as one of the sovereign members of this Union, met in convention, declared the act to be unconstitutional, and, as such, null and void. In a word, we nullified. Then followed the proclamation and force bill, as the ultimate means of prolonging the existence of the odious and unconstitutional act of 1828, which the party of which the Senator is a member had attempted to fix on the country by a scheme of permanent distribution; and which, when the issue was made, they were ready to sustain at the hazard of civil war. But, thanks to a kind Providence which had watched so constantly over our destinies, their counsel did not prevail. The spirit of conciliation and compromise overrlued that of violence and force. The memorable bill of 1833 was introduced by the Senator from Kentucky, [Mr. CLAY,] and became a law of the land, in despite of the protective and force-bill party. It closed the conflict between the North and the South, which, if not revived by the arts of those who passed the tariff of 1828, will, I trust and believe, remain closed forever.

Such is the train of events which led to the act of 1833, and the circumstances under which it passed; and we are now called on to decide whether we shall adhere to its provisions or not. The Senator from New York invites us to surrender our interest in it, and to open anew the tariff controversy; and, with a view to test our determination, has inserted in this bill the repeal of the duty on salt. He signifies his dissent. I am glad of it. It proves that he dreads a direct issue on the subject, which is not surprising after the statement made; but I must tell him that it is immaterial whether it was so intended or not. Salt is among the articles comprehended in the act, and, if we may touch one item, we may all. To vote for the repeal of a single item, unless with common consent, as effectually surrenders the compromise as to vote for the repeal of all.

The Senator from New York must excuse me. I fee lit my duty to speak plainly where the interest of my constituents and the whole country is so deeply concerned. I must tell him I lack confidence in him. I see in his bill a design, under the show of reduction, to revive the tariff controversy, by which he and his party have so much profited at the expense of the country. It is an artful and bold stroke of party policy, calculated to distract and divide the opposition, and place almost unlimited control over the capital and labor of the country in the hands of those in power. It affords the means of appealing to the hopes and fears of every section and interest, while the distraction and division which must follow would prevent the possibility of united efforts to arrest the abuses and encroachments of power. Experience has taught us to understand the game, and to be on our guard against those who are playing it. We cannot close our eyes to the fact that the party which is now so intent to disturb the compromise is the very party that was the author of the tariff of 1828; and which, after using every effort to render it permanent, was ready to shed our blood rather than surrender the act. Their devotion to a measure, of which they are the authors, and to which they owe their present elevation, prepared us to expect that deep hostility to the act which gave their favorite a mortal blow, and opened the way for a united, and, we trust, ere long, a successful resistance to power, acquired by deception, and retained by delusion and corruption. The entire South may well apply to the Senator, as the author of the tariff of 1828, the reply which a distinguished Senator gave, after its passage, to one who now occupies a higher station than he then did, and who undertook to explain to him his vote on the occasion; "Sir, you have deceived me once; that was your fault; but if you deceive me again, the fault will be mine." Alas, for Virginia! that once proud and patriotic State; she has dismissed her honest and enlightened son, who served her with so much fidelity, and has elevated to the highest office him who betrayed her and trampled her interest in the dust.

I know full well the attempts that will be made to misrepresent my position on this occasion, and to weaken me in the confidence of the public. I fear them not. I know well those whom I represent. They have too clear a conception of their true interest, and place too high an estimate on truth and honor, to withhold their confidence from him who fearlessly follows their dictates. They will scorn the miserable boon proffered by the Senator from New York, and the hand that offers it, and will cling to the act which they so proudly wrung from

this Government. Were I to listen to the voice of the Senator from New York, they would hold me blind to their interests, and indifferent to their honor. I shall firmly maintain the position I have taken. I shall not assent to disturb the act of 1833, in the slightest degree, so long as the manufacturing interests shall adhere to its provisions, be the conduct of politicians what it may. Thus far they have firmly adhered. Not a murmur has been heard, or a petition offered, from that quarter, against it, from its passage to the present day; while the memorial of the Legislatures of the two great tariff States—Massachusetts andPennsylvania—which pledge themselves to abide by the provisions of the act, give strong additional assurance that, if we do not disturb it on our part they will not on theirs.

Mr. BROWN said that, as one of those representing in part one of the Southern States, he felt himself called upon to say that he did not approve the doctrines which had been advanced by the Senators from South Carolina, and considered himself bound, by a proper regard to the interests of his constituents, to vote for the abolition of the duty on salt. This tax on an article of such prime necessity and universal use had always been viewed as odious, even when intended as a financial measure, to relieve an embarrassed Treasury. What, then, he would ask, should be the degree of repugnance felt towards it, when millions were annually flowing into the Treasury beyond its legitimate wants?

Among the most extraordinary spectacles that he had witnessed here, in the various mutations of political parties, none had struck him as more remarkable than that presented by the co-operation of the Senators from South Carolina with the Senator from Massachusetts [Mr. DAVIS] who had always been distinguished for his zeal in support of high protecting duties, against the reductions proposed by the Committee on Finance. This, indeed, was a strange and extraordinary coincidence! And what more did we see and hear? Both of the Senators from South Carolina denouncing, in the most unqualified terms, those of our Northern friends who advocated these reductions!

The Senate had been told that the State of Virginia, and other Southern States, which had aided in elevating the President elect to the station which he was shortly to fill, had done an act fatal to their interests, and inconsistent with their political principles. As one of the Senators from a Southern State, he could not sit in silence and hear the charges which had been brought against that gentleman, on the subject of the tariff, without expressing the opinion that great injustice had been done him. He (Mr. B.) had no hesitation in making the assertion that, from the period when he had first taken his seat in that body, at the session of 1829-'30, down to the period when South Carolina passed her ordinance of nullification, the only efficient aid given by any party from the North in favor of reduction came from the political friends of Mr. Van Buren. He would ask if it had not been almost a constant topic of abuse and denunciation against him, during the period to which he had referred, that he favored a reduction of the tariff? If any one doubted the accuracy of his recollections of that period, he would refer them to the contemporaneous debates in both branches of Congress, and they would find that portion of the opposition who were in favor of high protecting duties repeatedly assailing him as an adversary of the system, and as meditating its overthrow. Such Mr. B. knew to be the fact. He knew, likewise, upon all test questions which came before either House of Congress, during the period to which he had alluded, that almost the only aid that the Southern States had received, either in discussion or by votes, was given by the political friends of the gentleman whom the Senate had heard so much denounced. And, notwithstanding this was the fact, he was held up here, and charged with having attempted to fix permanently high duties on the country! Mr. B. considered the charge which had likewise been made against the administration in this debate, of having wanted in proper efforts to reduce the tariff, pending the progress of the great controversy which had agitated the country on that subject, to be equally unsustained. Those who were then members of that body could not fail to recollect the anxious exertions made by the leading members of the administration to obtain a reduction of the tariff to some reasonable standard. At the session of 1831-'32, the then Secretary of the Treasury submitted a plan to the House of Representatives, which he was, he believed, called on by a resolution of that body to do, which proposed a very large reduction, and which met with warm opposition from the manufacturing interests. This plan was then considered as having not only the sanction of the administration, but its warm support. How, then, he would ask, could it with justice be said that there was no effort made in good faith by those in power to adjust this question at that time?

The honorable Senator from South Carolina [Mr. CALHOUN] had said that the act of 1832, by which the tariff was reduced some five or six millions annually, was considered by those who voted for it as settling the great question of the tariff between the North and the South. He (Mr. B.) was one of those who voted for the act of 1832, and he also remembered the little favor which it met with from some other quarter. He did not consider it as at all settling the question, nor did other gentlemen from the South, who supported it, view it in that light. On the contrary, the debates of that day would show that they had declared their unalterable hostility to the system, while it continued on the statute book. The gentleman from South Carolina was, therefore, certainly mistaken when he had said that the act of 1832 was considered as settling the question of the tariff between the North and the South. He would add that, in his opinion, much of the credit was due to the operation of that law in mitigating the tariff, which was now claimed exclusively for what was generally designated as the compromise act, passed in 1833! By the former act, it was estimated that the revenue would be reduced annually five or six millions; yet it seemed that all the credit is now to be given to the compromise act. He felt towards that act, and for the motives which prompted the honorable gentleman who originated it, that respect to which they were so justly entitled.

The honorable Senator from South Carolina who had first addressed the Senate on this question, [Mr. PRESTON,] took occasion, in the course of his remarks, to say it was owing to the virtue and patriotism of the State of South Carolina, in taking the stand she did in relation to the tariff, that the Southern States were now enjoying the advantages of diminished burdens on their productions. Now, it was far from his intention to speak with censure of the movement of that State, which had been alluded to as possessing so much virtue. He was opposed to the force bill, designed to counteract that movement; but he thought it was claiming rather too much to say that the credit was due solely to any one State. He did not believe that her course on that occasion had been attended with such fortunate consequences as those which had been claimed as flowing from it. On the contrary, he must be allowed to express great doubts whether it had not, in a great degree, in the end, contributed to delay the reduction of the duties down to a revenue point.

The payment of the national debt, and the accumulation of a vast amount of surplus in the Treasury, had produced an almost universal conviction throughout the country that the revenue should be brought down to the

legitimate wants of the Government. This opinion certainly prevailed at the last session of Congress, so far as he was able to judge. And what, he would inquire, was the reason, and almost the sole reason, for not doing it? Was it not asserted that the compromise act, which resulted from the movement of South Carolina, had imposed an obligation on Congress not to act while it was in force? This, certainly, was the main argument against legislation to reduce the duties. He believed but for that even the most enthusiastic advocates of high protecting duties would not have ventured to advocate the continuance of the law by which the present immense amount of surplus revenue was raised. He would repeat, then, that it might be well questioned whether the movement of South Carolina had not, in some degree, prejudiced Southern interests, from the effect of the compromise act, which had resulted from it, to delay the reduction of the tariff down to a revenue standard.

The Senator had warned those representing Southern States in this body not to vote for a reduction of the duties provided for by the bill then before them, because, in doing so, he thinks they will lose the favorable position at this time occupied by the South under the present system, and invite another attempt to increase the tariff. Mr. B. did not perceive any ground for the indulgence of such apprehensions. The national debt had been some time since paid off, and a large amount of surplus revenue was annually coming into the Treasury. He could not for a moment believe that any administration would ever venture so dangerous an experiment as to propose an increase of duties under such circumstances.

He had always entertained the opinion that the act of 1833 should not be touched for light or trifling causes. As a Senator from a Southern State, he would not have volunteered a proposition to act on this subject; but as it had been brought before them, and as very clear indications, in his opinion, had been given, from a large portion of the people of the North, that some reduction ought to be made, he considered the aspect of the question materially changed. The friends of reduction were not on that floor confined to those representing Southern States; but many gentlemen, from each of the great divisions of the Union, were found concurring in the opinion that it was necessary. When this sentiment had taken such strong hold of the public mind, as well in a large portion of the North as elsewhere, he could not see any impropriety in legislating with a view to lessen the public burdens, at this time so unnecessarily continued. As one of those representing a Southern State, he did not consider that he should discharge his duty if he were, under existing circumstances, to refuse his aid in voting to abolish the duty on salt; an article so essential to every class of citizens, and more especially to those engaged in agricultural pursuits.

If, however, (said Mr. B.,) this view of the subject is irreconcileable with a proper consideration of the compromise act, there was another obligation of still higher authority, and entitled to more sacred observance, than any which could possibly result from a mere legislative enactment, that challenged their respect. He alluded to the constitution of the United States, from which was derived our power to impose taxes, in the shape of duties or otherwise. He contended that Congress had no right to raise money by any species of taxation, except only for the purpose of carrying into effect the powers granted to the General Government by that instrument. They were annually raising a great deal more money than was required for those purposes. Was there not, then, a constitutional obligation resting on them to reduce the duties to the wants of the Government, which was paramount to any and to every other consideration? While, therefore, gentlemen were urging the claims of the compromise act to such sacred regard, he trusted that they would remember that the constitution of the United States deserved infinitely more their regard and respect, in guiding us in our deliberations here.

Mr B. expressed his regret that the gentleman from South Carolina [Mr. CALHOUN] had deemed it proper to make what was, in his opinion, such an uncalled for and unwarrantable denunciation against those of their Northern friends who had come forward as the advocates of a reduction of duties on this occasion. If some of these gentlemen had occupied the position in 1828, in relation to the tariff, which had been said and charged against them, the country had the gratification now to see and know that they, at least, had changed for the better, while some of those representing a portion of the South upon this floor, and who were now opposing some of the proposed reductions, had, in that respect, somewhat deteriorated.

The Senator from South Carolina, in his opinion, in opposing a reduction of duties, by so doing contributed to keep up the system, and, in that manner, indirectly supported the tariff principle. It would seem, therefore, that the relative positions of gentlemen had undergone some change in the progress of events.

[Mr. CALHOUN. Am I to understand the Senator to say that I have changed my sentiments in relation to the tariff?]

Mr. B. resumed. What he intended to say, and what he had distinctly said, was, that those who are now charged with having, in 1828, been friends of the tariff, at any rate had now given indications in favor of relaxing the present system of duties, while gentlemen who were hitherto opposed to the system were at present against a reduction of the duties. He could not exactly say what their sentiments were, but only what their course was here. Whether their sentiments had undergone any change, it was not for him to say; but he repeated that, so far as their actions were concerned, it seemed certain to him that the gentlemen were not as hostile to the system as they had been on some former occasions.

Mr. CALHOUN observed, in reply, that the mode in which the Senator from North Carolina reasoned went to hold up Mr. C. to the country as being opposed to the reduction of the tariff. Mr. C. protested against such an interpretation of his course. He was, and always had been, decidedly in favor of a reduction, and he voted against the present motions expressly from his utter aversion to the whole tariff system. He believed that the small reductions now proposed, by unsettling the compromise, would bring back the system in its whole extent; but he had not the slightest faith on earth that the party who had brought forward this bill ever intended to pass it. If they had really been in earnest in desiring that a bill of this character should become a law, why had these disputed items been put into the bill? The great body of the reductions in the bill were without dispute, and might have been passed in ten minutes; why, then, had these others been put in? Was not the design plain and palpable? Who expected that there would be any reduction in the revenue? And because he would not give a vote which, while it would tell on nothing at all, would go to commit his State to break the compromise, was he to be held up as opposed to the reduction of the tariff? The Senator from North Carolina himself could not but see that Mr. C's position showed and proved that he was as much opposed to the tariff as he had ever been. He had never retrograded a single inch.

Mr. BROWN said that he was not aware that he had at all misrepresented the Senator from South Carolina. In what he had said he had alluded to certain language in that gentleman's speech, which he thought was rather sharp towards those Southern Senators who had voted for this bill. Mr. B. had been called upon to give his

reasons why he was in favor of the abolition of the duty on salt; and, in so doing, he had taken occasion to observe that the Senator from South Carolina had advocated the retention of the existing duties; that he had opposed any infraction of the compromise, and had advocated doctrines which, in Mr. B's opinion, went to perpetuate the tariff system; for he held that a vote against this bill was, to all intents and purposes, a tariff vote. The question put to every Senator was, whether he would reduce the duties or not; and no casuistry, no pitiful subterfuge, would ever induce him to believe that a Senator who voted in the negative did not, in effect, vote to perpetuate the tariff system. The constitution was imperative that Congress should raise no more revenue than the constitution itself gave them power to expend. They were at present raising a surplus revenue—a thing which, most evidently, the constitution never contemplated; and were they not then violating that instrument? Those who voted to perpetuate this system did, he insisted, vote to perpetuate the tariff. Let it offend whom it might, this was the honest truth. He cared not where it might light, the truth should be spoken. He knew that truth might sometimes be blamed, and that gentlemen might resort to harsh repartees, with a view to escape its force; but truth was not so to be escaped from. Mr. B. claimed to have no very exalted opinion of his own character, but he hoped he was free from the contemptible vanity and overweening egotism which was sometimes displayed on that floor. What little intelligence he did possess he should use without consulting any man, or inquiring whether his ideas quadrated or not with the notions of those who seemed to think themselves standards of political infallibility. He was not acquainted with any one who possessed this attribute, nor was this the place where he should seek for one of this description, and least of all should he look for it in *that* quarter.

Mr. CALHOUN observed, in reply, that the Senator from North Carolina had fully satisfied him of one thing. The Senator continued to assert that Mr. C. was in favor of the tariff, because he was opposed to taking off this duty on salt. All he could say was, that a gentleman who could think or say so, after the two distinct explanations and admonitions which Mr. C. had given, would not hereafter receive any notice from him. Mr. C. regretted that his appeal to the good sense of the Senator had not been met. He had expressly asked him whether he meant to affirm that Mr. C. was not opposed to the tariff. From the reply he had received, he had learned a lesson; and it was, not in future to respond to any remarks which might fall from that Senator.

Mr. BROWN rejoined, and observed that there were some individuals by whom not to be noticed would occasion him some mortification, but there were others by whom he had not the slightest desire to be noticed in any way. Their notice was a thing he had never desired or cared for, and to receive it had not always eventuated as a benefit. He had his standing on that floor not by efforts at high-sounding pretensions to the attributes of a gentleman and a man of honor. He felt himself on equal grounds with the Senator from South Carolina, or any other, and should be ready to vindicate his claims on all occasions. He had said that he was not to be deceived by the miserable subterfuges of such as, while they opposed every reduction of the tariff, claimed the credit of being against the tariff system. This was the head and front of his offending; and he would here take leave to say that, if the notice of the honorable Senator was to be withdrawn on this account, that Senator must pursue his own course; but Mr. B. should not hereafter notice his hallucinations and frantic denunciations of all the friends of the administration who might not happen to agree with him in opinion.

Mr. CALHOUN said he was not in the habit of noticing the Senator from North Carolina at any time. As to the term *subterfuge*, as applied to himself, he threw it back with indignation.

Mr. RIVES said that he wished to offer one or two remarks, in reply to a particular part of the speech of the Senator from South Carolina, [Mr. CALHOUN.] He referred to the appeal addressed by him to all the representatives of Southern States, in which the Senator had contended that no Southern man could with propriety vote for a reduction of the tariff, in contravention of the compromise act. The Senator had based his argument on this ground—that if they of the South should once set the example of departing from that arrangement, they could afterwards with no plausibility pretend to hold gentlemen on the other side to its observance. The Senator had asked, if those of the South should set such an example, how they could dare to insist for a moment on the observance of the compromise by another portion of the Union? Mr. R. would ask that Senator what evidence he possessed that any other portion of the Union saw the least binding force in the compromise? The Senator himself did not pretend to say that there was the least legal or moral obligation on any one to observe it. Mr. R. had not heard a single observation which looked like recognising any binding obligation in that arrangement. Gentlemen talked to him about observing a bargain on his part, when he had no evidence whatever that the opposite side meant to observe it on theirs. Were Southern gentlemen to be scrupulous on this subject, while they possessed no guarantee whatever that their Northern brethren would not advocate an increase of the tariff the moment they had any chance of success? Mr. R. insisted that the South had no evidence on that subject. He called the attention of all Southern Senators to the very significant address delivered by the Senator from Massachusetts, [Mr. WEBSTER,] at the last session; to the emphatic and unequivocal declaration, when speaking on the subject of the surplus, that the compromise act never could or should be recognised as the prominent policy of the United States. That gentleman had protested in the strongest terms against any obligation to observe it, and had said expressly that it never could be recognised as a proper basis for the commercial policy of the United States. Mr. R. had not forgotten these words; and now, in the present debate, had the Senate heard from the other Senator from Massachusetts [Mr. DAVIS] a solitary argument which amounted to a recognition of the compromise as binding? Had that gentleman, in his able speech, opposed the abolition of the duty on salt as an infraction of that arrangement—as a violation of a bargain? Mr. R. had heard no language of that kind. Neither that gentleman nor his colleague had ever said that they meant to observe the bargain on their part, when their turn should come to make sacrifices for its observance. When that gentleman had opposed the proposition in the bill, he had done it, as he always did, in a manly and open manner; on grounds of strong practical sense, and not as being any violation of an ideal compromise, contained in an ordinary act of legislation. Mr. R. well recollected when the other Senator from Massachusetts [Mr. WEBSTER] had appealed to the Senator from Kentucky [Mr. CLAY] who had introduced the compromise bill, and who supported it on this ground—that he was fully convinced that, unless some such expedient should be resorted to in order to arrest the then apparent policy of the administration, the manufacturing interest would soon be compelled to witness worse times; that the Senator from Massachusetts had observed that if the operation of the bill should in practice be found injurious in a high degree to any particular branch of manufacture, he hoped that by general consent so much of the bill would be withdrawn, and that the Sen-

ator from Kentucky [Mr. CLAY] did not deny that such was the intention. Mr. R. was confident that it would not be contended any where that there ever had been any distinct recognition of a binding force in the compromise bill. Yet the Senator from South Carolina insisted that every friend to Southern interests was bound to go on and submit to every sacrifice required by that law, in the vain expectation that at a future day the compromise would be respected by those who were interested in the protected branches of industry. Mr. R. cherished no such expectation. He did not believe that one of those interested in the protective system recognised any such bargain. They had acted wisely, with a sagacious regard to the interest of their constituents, cautiously abstaining from saying a single word which might imply that their hands were tied. The Senator from Massachusetts [Mr. WEBSTER] had, on the contrary, with great consideration, with a grave and solemn manner, and with the utmost precision of language, protested, at the last session, as an advocate of the manufacturing interests, against the compromise. Mr. R. had closely watched, during the present debate, to see whether any of the Senators who opposed the reductions suggested by the Committee on Finance would say any thing that looked like recognising a solemn bargain, signed, sealed, and delivered, between the North and the South, which would be violated by a repeal of these duties, and he had not heard such a word uttered by any of them. They opposed the reduction exclusively upon the merits. Was Mr. R. then, as a practical representative of the South, to be told that he must go on, and observe the stipulations of the compromise, on the part of the South, when he saw, from the most unequivocal evidence, both positive and negative, that the North meant to do no such thing? He had had positive evidence of it in the solemn protest of the Senator from Massachusetts, and he had had the most abundant negative evidence in the fact to which he had just alluded, that not a man who opposed the bill had placed his opposition on the ground of the compromise. Under such circumstances, he must be excused if he refused to pursue such a one-sided course of policy; and he hoped that gentlemen who assumed to take the lead on Southern questions, and to speak in the name of the whole South, would not hold up him, and those who thought as he did, as faithless to their engagements, if they refused to follow such a lead.

One of the Senators from South Carolina [Mr. PRESTON] had said that he saw with the utmost clearness, from the indications around him, that the tariff interest was predominant in that body; that its opponents were the weaker party; and, therefore, that it would not be wise in them to open the question. Mr. R. would ask of that Senator, what were the indications to which he alluded? From the state of the vote, the fact was unquestionable that it was solely owing to the course pursued by that gentleman and his colleague that the tariff interest had the ascendency on that floor. The question was tried in the attempt to repeal the duty on porcelain and stoneware, and the ayes and noes on that question showed that it had been lost by the votes of those two Senators alone; the vote stood 24 to 20. If those gentlemen had voted otherwise, it would have stood 22 to 22, and the motion to strike out porcelain and stoneware from the bill would have been lost by a tie.

[Mr. PRESTON here explained, and thought there must have been a mistake in recording the vote, as he had not been present when the yeas and nays were called. He expressed a doubt whether articles charged with a duty of 20 per cent. were included within the compromise. He was rather under the impression that they were not included. Whatever the compromise was, he was for preserving it.]

Mr. R. resumed. He had examined the journal, and found the names of both the Senators from South Carolina among the 24 who voted for striking out. But whether the record was correct or not, Mr. R. greatly doubted that the tariff interest was in the ascendant. He had seen it for years losing its influence every moment, and he, for one, was not afraid to leave the tariff question open. He did not want any imaginary sanctuary to protect him while giving his vote on this occasion. He was not going to protect himself by artificial defences of this kind against the people of the United States. He was aware that the people had once been in favor of the protective policy, but he did not believe that they were so at this time. In the meanwhile he felt himself called upon to do his duty to a man who had been greatly misrepresented. He did not believe there was a man, individually, more favorable to the interests of the South, or who would do more to protect those interests, than the person who had been so rudely assailed in this debate. Mr. R. did not believe that he ever had been a friend to the high protective policy. He had watched his course and looked at his actions; and what had been his conduct? It had been often thrown in his teeth that he had voted for the tariff of 1828, under instructions from his Legislature. Mr. R. cared not for all that had been or could be said on that subject. Every body had witnessed the progressive march of public opinion in that gentleman's own State, under his sagacious guidance. Let gentlemen look at his speech, delivered at Albany before the tariff of 1828 was passed; it would show that the whole bent of his mind was against a high tariff; and Mr. R. did not doubt that it had been the suspicions excited by the sentiments in that speech which had drawn forth from the Legislature the instructions under which Mr. Van Buren had afterwards voted. They were not in the dark as to the views and purposes of that individual, whatever might have been said about the degeneracy of poor old Virginia. They had had declarations, under sufficient guarantees, that he was opposed to this policy. He was not a man to run into abstractions, but was, in all his course of action, eminently wise and practical. His abstaining from mere abstract positions rendered his course of action effectual in bringing about good results. What was that individual doing at this time? Were not his personal and political friends acting at this moment in favor of Southern interests? The chairman of the Finance Committee, who had introduced the present bill, was well known to be on terms of intimacy with that gentleman. In fulfilment of the pledges he had given when here in his place, the individual in question was now proceeding in an effort to mitigate the pressure of the tariff system; and yet those who should have received him into their confidence, and hailed his course with thanks and praise, turned round and ungratefully repelled the proffered aid. It was "all talk." It was "mere New York tactics." Nothing was meant by it. Did the Senator from South Carolina [Mr. CALHOUN] wish to be understood as so utterly and irreconcileably opposed to that individual, that whenever he was for a measure the Senator from South Carolina was to be against it? And when he was against a measure, and was using his efforts to effect a reform in their legislation, was the gentleman from South Carolina still to oppose him, even when he was giving the South the very thing they asked for? The Senator from New York had thus far acted for him in good faith, and had nobly redeemed his pledges to the South. Mr. R. anticipated with confidence that he would act out the course. He reposed on the pledges of that person, both as to our domestic and other interests; and if any observations had been made by him privately, and not in the hearing of the Senate, (as Mr. R. had heard some anecdotes respecting him,) he claimed that he should be judged by his acts. When that gentleman and his friends said they

were against a high tariff, they gave to the country works to justify the assertion. Let others who impugn their sincerity follow the example. When others uttered high-sounding professions, which charmed the ear, let them follow out their words with works; but, as a plain practical man, Mr. R. saw nothing which would entice him to follow them. He should avail himself of every opportunity within his reach to get rid of the burden of which his constituents complained. The tariff question never had been closed; it was still open; and Mr. R. was willing, as a Southern man, to leave the protection of his rights with the American people. He did not believe that the tariff system had an ascendency in the country, nor would it in the Senate, but for the votes of South Carolina.

Mr. R. believed the measure now proposed to be a wise one. He was not, indeed, the advocate of an indiscriminate warfare against manufactures; he was not going to act in the spirit of a crusader against them. He respected the people of the North, who were so deeply interested in these establishents, as he did his own constituents. But he was not to be deterred from what he considered to be his duty by having a piece of parchment held up before him, by being told that it was a compromise, and that he dare not ask the other party to observe it unless he observed it himself. The other party had expressly told him that they did not acknowledge the bargain; and why should he be held when they were not? At the same time, he was disposed to treat all the great interests of the country with caution and reverence, and, in legislating with regard to them, to tread as upon holy ground; not because he was in terror of a compromise, but because he held it wise not rashly to disturb existing interests. As an American patriot, he viewed with pride and exultation the wealth and prosperity of his brethren. He would not take an iota from it, if it could possibly be avoided. He was one, however, who believed that, notwithstanding the land bill, (should it become a law,) there would still be a surplus in the Treasury; and from stern necessity alone he was willing to reduce the revenue, though in so doing he could not wholly avoid affecting the interests of some of his fellow-citizens; and as he saw no means of lessening the national income so good and expedient as the prudent and catholic measures proposed by this bill, it should receive his support.

Mr. R., in conclusion, observed that he had said much more than he intended to say when he rose. The particular position he held there in reference to his own State rendered it his duty to be thus explicit, and he hoped would be received as his apology for so long detaining the Senate. As a representative of Virginia, he was willing to make a sacrifice of this salt tax in the name of his State. His constituents were largely interested in the manufacture of salt. He was aware that those of the honorable Senator from Massachusetts, who were also largely engaged in this manufacture, were in a different situation from most others. The salt manufacture in New York, Virginia, and Ohio, was sufficiently protected by nature. If, by any act of legislation on this subject, an injury was to be inflicted on any portion of the people of Massachusetts, Mr. R. should sincerely regret it. But let those concerned reflect that theirs was but a minor interest, when compared with the whole amount of capital embarked in this manufacture: while that whole amount was not less than eight or ten millions, the capital of Massachusetts was only two millions. Mr. R. could not see, for one, that the continuance of this duty was so very important to their prosperity. The honorable Senator who so ably represented them had assured the Senate that, should the duty be repealed, his constituents would come here with no whining petitions and complaints. Mr. R. believed every word which had been said on that subject. He well knew the character of those people, and was assured that, under all circumstances, they would rather seek the up-building of their fortune from their own brawny arms and bold, untiring industry, than from the factitious aid of a precarious legislation. There was no duty which affected the community so widely, so universally, as a duty on salt; and while, in the process of reducing the revenue, the Senate were exploring the whole field of taxation, would they pitch upon a duty so intimately connected with the necessaries of life? He conceived not.

Mr. WRIGHT said that he did not rise to prolong this debate, certainly not to follow the example of the two Senators from South Carolina, by leading off the debate into the discussion of incidental subjects of a personal and wholly irrelevant character. His state of health, too, admonished him not to speak more than was absolutely necessary; yet he was compelled, by the necessity of the case, to say a very few words in reply to the remarks of one of the Senators from South Carolina, [Mr. CALHOUN.]

In the first place, the Senate had heard the allegation of that Senator's strong suspicion that those who were in favor of this bill were not acting sincerely; and the remark seemed particularly aimed at the committee who had reported the bill. Mr. W. was sorry they stood so low in the Senator's opinion. But there was nothing to be done in the case. The Senator had a right not only to form his own opinion, but to promulgate it with a view to enlighten the Senate. Mr. W. had to deal only with facts; and what were the facts of this case? How came the committee with the subject? On the motion of that honorable Senator. And under what circumstances? With the utterance of a declaration about as charitable as some others in which he was in the habit of indulging—that the committee would make a mere demonstration, but would in fact do nothing. The Senator, however, was resolved that the committee should show what their intentions really were. The matter thus far was prophetic. He would now come to history. The Senator had done him the justice repeatedly to acknowledge that his personal exertions had not been wanting. The progress of the committee had been frankly communicated to that gentleman, so that they could not at least be accused of secrecy and disguise. Whether any unnecessary delay had occurred in reporting the bill was a matter for the judgment of the public.

For the truth of any allegations on this subject, he must refer to his humble credit here while he affirmed that the committee made what expedition they could. The bill was at length reported to the House as soon as it was prepared. But then the Senator asks, why was it not earlier taken up? Mr. W. said he knew it was unnecessary for him to answer that question before this Senate. What had been the declaration which he himself had made, on bringing this bill into the House? Did he not then remark that the land bill must be the chief reliance of the country for any very important reduction of the revenue, and that all that could be effected in respect to duties must bear a comparatively small proportion? And what bill had been before the Senate when the bill in question had been reported? Was it not the land bill? And to whom was it to be charged that the discussion of the land bill occupied the Senate for weeks? To the Committee on Finance? To any member of that committee? Let the Senate answer. And what had followed the land bill? Another bill of a public nature, and of a highly important character. On Thursday the Finance Committee had directed Mr. W. to ask for the printing of the tariff bill, and it was ordered by the Senate; but as the printing was not com-

pleted in time for it to be brought in on Friday, he had then given notice that he should call up the bill on the Monday following. In compliance with this promise, he had accordingly moved on Monday that the bill be taken up, but a large majority of the Senate refused to do so. Mr. W. called it up the day following; and he would now ask, had the committee since then been chargeable with delaying its progress? Whence had come the leading prominent opposition to the bill? From a source, he must in candor say, he had not anticipated. Those who made the opposition to it had of course perfect control as to the manner in which the opposition was to be conducted; but he had deemed it proper to make this answer to what he must consider a somewhat ungenerous imputation. The Senator from South Carolina had thought proper to present the Senate with a full-length portrait of his humble self. What effect this might have in furthering or preventing the repeal of the salt duty, it was not for him to say. It was a matter he had nothing to do with. The fact that he had been a member of the Committee on Manufactures in 1828, and that he had supported the tariff bill passed in that year, was, he believed, not new. But to a single cautious remark thrown out by the gentleman, he should take the liberty to reply. The honorable Senator intimated that somebody had been deceived on that occasion; and, by coupling himself and his friend, when speaking of that deception, he seemed to leave the inference that Mr. W. had been a party to it. Mr. W. had been well aware of the course the bill was likely to take in the House of Representatives. Whether the other gentleman alluded to was so or not, he did not know; but this he knew: that the shape given to the bill was that preferred by every member from the South. There had been a conflict as to principle between reporting a bill which should protect manufactures alone, and a bill which should extend the protection to the material which constituted the subject-matter of which the manufactured articles were composed, so as to extend the benefit to the agricultural interest also. An exceedingly amiable and worthy gentleman, since dead, [Mr. W. was understood as referring to the late Hon. Warren R. Davis, of South Carolina,] had been a member with himself of the committee who reported the bill, and that gentleman's name and his own would be found recorded together in the votes upon it. The gentleman alluded to had been utterly opposed to a tariff bill of any kind; but if any was to be reported, he had his choice between the alternatives, and preferred the insertion of protecting duties on the raw material. Mr. W. knew that that gentleman and all his associates were sanguine in the belief that if the bill should be thus framed, the New England members would vote against it, and it would consequently be lost. Mr. W. did all he could to undeceive them, but he could not succeed. The Eastern members did, in the course of debate, make use of expressions severe and harsh, almost beyond the limits of parliamentary rule; and this strengthened the Southern members if the belief that the bill could not pass. But he had told them repeatedly that the very men who thus denounced the bill would, on the final question, vote in its favor; and the event justified his prediction.

[Mr. DAVIS here interposed, and asked whether the Senator meant to say that he had voted for the bill.]

Mr. W. replied, that in his former remarks he had had no reference to that gentleman. There were insinuations here made which seemed to intimate a suspicion that some deception was intended by the authors of the present bill; but he thought, if the gentleman who had thrown them out would give the matter a little more reflection, he must himself become satisfied that the insinuation was unfounded. If not, however, it was but of little moment. As to what had transpired here, whether in public proceedings or private conversations, he had nothing to do with it. It was years since the transactions took place, and many of the agents concerned in them had since passed off the stage of life; for himself, he was satisfied with the judgment which the country had pronounced upon his own course. He impugned that of no other gentleman.

There was another point on which he must be indulged in a word or two. The Senator had represented him as having stated that this article of salt had been introduced into the bill as a test question, whether the compromise was or was not to be adhered to. The Senator, it was true, had afterwards become satisfied of his mistake, and had corrected himself. What was it that Mr. W. had said in relation to the compromise? He had stated that it had been the purpose of the committee, in framing the present bill, to seek as well among articles the duty on which was above 20 per cent., as among those under 20 per cent., for such as might be made free of duty, without disturbing any very important interest of the country. He had expressly said that he felt under no restraint whatever in going above 20 per cent. or below it, to find articles of this description, and had stated his opinion, that what was called the compromise act had the force of an ordinary law of Congress, and no more. He had made the same declaration at the time the compromise bill passed; and he believed the Senator from South Carolina had done the same. It was now his duty to show that there had been no magic about the introduction of this article of salt into the bill. He had run his eye cursorily over a table containing the long list of protected articles, and had found that the duty on those charged with 20 per cent. amounted to $1,325,000. Congress, by unanimous consent, had reduced the duty on wine one half since the compromise; yet wine before the reduction paid more than 20 per cent. Since then it paid less. The committee proposed a similar reduction in the duty on foreign spirit. That was now over twenty per cent. But if nothing must be touched but what was under twenty per cent., then there must be deducted from the bill $429,000 on this item. There had been already deducted $52,000 on worsted yarn, and $339,000 on earthenware; and now salt must go, and various other items would have to follow suit.

Mr. W. had not risen to argue the principle; on that every gentleman must satisfy his own mind. All he meant to say was, that if the Senate was to be guided by the rule which had been laid down, all hope of any reduction in the revenue was gone, and either there must be a surplus, and a consequent distribution till the year 1842, or the sale of the public lands must be stopped entirely.

He must be indulged in one more suggestion. The Senator from South Carolina had said that but for the compromise, the bill of 1832 would have produced an immense surplus. Mr. W. would ask the Senator whether, if the public lands had been retained, (as was then expected,) there would have been a surplus? None whatever. But Mr. W had voted for the compromise. True. He hoped for that one vote, at least, the Senator would not blame him. That he had many faults he felt most deeply; but he should not now so far comply with some examples as to enter into a discussion of his own public or private conduct. He had voted for the compromise act for the sake of quieting the country. He had not then believed that there would be any troublesome amount of surplus in the Treasury, nor did he now believe that there would have been, but for the immense sales of the public lands, which was an event not anticipated by any body. He would now observe, in conclusion, that, as a member of the Finance Commit-

tee, he had presented to the Senate the best bill he could. He had, indeed, been fully aware that it must disturb some domestic interests; but he defied the gentlemen who so loudly complained, to frame any bill which would not do so. There were some articles below 20 per cent. which the committee did not insert, because they believed it inexpedient to touch them, while there were others above 20 per cent. which they did insert, for the sake of the object to be accomplished, viz: some reduction in the revenue.

Mr. STRANGE observed that the very deep reverence he entertained for this body always rendered it exceedingly painful to him to address it; and this reason alone had often restrained him from rising in his place, and disclaiming sentiments and opinions uttered by the Senator from South Carolina, in the name of the whole South, in which he differed with him *toto cœlo*. But on the present occasion he was compelled, both by duty and inclination, earnestly to protest against the practice into which that Senator had fallen—of assuming to speak for the whole South; in which general term the State he had the honor to represent was, of course, included. He was unwilling to see North Carolina tacked as a tail to any kite, or brought to act under any dictation. He was perfectly contented that South Carolina should be represented by the Senators she had herself chosen. They were signally able to represent her, and doubtless they fairly expressed her views upon this and all other subjects; but they had no right to speak in the name of the whole South; and, so far as North Carolina was concerned, he claimed for himself and his colleague the sole right of speaking for her upon that floor, as long as she herself thought proper to intrust them with that honor. He was not for making invidious comparisons, but he hazarded nothing in saying that, in all of which man has reason to be proud, North Carolina was behind no State in the Union. She would act in all matters according to her own sense of right, and would, on no occasion, be either led or bullied. Among the characteristics of her people were prudence and good sense; but it had been his lot to witness on this floor language of much rashness and indiscretion, as he conceived, uttered in the name of the South. He would instance particularly some remarks of the Senator, uttered the other day, upon the subject of abolition, which he disapproved at the time, but refrained from objecting to, for the reason before stated. He did not believe it either politic or proper, on every occasion of difference between us and our Northern brethren, to be throwing down the gauntlet of defiance, as had been done then. We assemble here from different portions of the Union, to confer together for the good of the whole. Far be it from him to advance the dangerous doctrine of the consolidationists that each member of this body is the representative of the whole Union. No, no: each one is the peculiar representative of those who elect him; but in his representative capacity is governed, or rather should be, by the same laws of propriety, mutual concession, and common honesty, which govern individuals in their intercourse with each other. He was not so credulous as to believe that any mind can be altogether freed from the shackles of interest; but, with the high intellectual powers which in general characterize the members of the National Legislature, we may reasonably expect that sound and liberal views of public policy will control their deliberations. Instead, then, of arousing their passions by threatening denunciations, our appeals should be addressed to their reason, and to that sense of common interest which recognises the real good of the whole in the welfare of each and every part. These appeals would seldom be disregarded, while threats and defiance, if productive of no other evil, must tend to weaken the bonds of our Union.

But to come to the matter more immediately under consideration: the Senator from South Carolina had made most extraordinary appeals to those representing Southern States; and assumed over them a sort of dictatorial power to which he, for one, was not disposed to submit. In one particular he and the Senator from South Carolina agreed; and that was, in holding a tariff for protection to be unconstitutional. For the maintenance of this position, it was, if he rightly understood the matter, that South Carolina had placed herself in hostile attitude to the rest of the Union, and had nearly involved the country in the horrors of civil war. On one of the very few occasions on which he had heretofore addressed the Senate, he had remarked upon the great diversity of operation of human minds; by what various processes they arrive at the same conclusions, or wander into different results from the same premises; and of this the Senator from South Carolina and himself now presented an example. They agreed in the existence of an evil, but differed widely, very widely, as to the remedy. They were both opposed to a tariff for protection; but the Senator from South Carolina believed that the vote on the part of the Southern Senators to repeal the duty on salt would rivet the tariff upon them; while he, on his part, believed the object of removing the tariff most attainable by direct blows at each feature of the odious system.

He did not understand the Senator from South Carolina as objecting to present action upon any other ground than that of an act of Congress, which has been called in debate the compromise act; but, in relation to this, he solemnly warns the Southern Senators not to forfeit the vast advantages held under it by the South, for any benefit they may hope to derive from an immediate reduction of the tariff. But at the very moment the Senator speaks of a compact from which the South is deriving advantages, he disclaims being himself bound by it. If he is not bound by it, who is? By adhering to the terms of the act of 1833, he urges we will secure certain benefits to the South, while by disturbing it the manufacturing interests will be released from the pledges under which it places them. What pledges? If any pledge exists on their part, where is the evidence of it? Do any of the Northern gentlemen acknowledge themselves under any pledge? I have heard none; but I have listened with surprise to the Senator from South Carolina, insisting upon a compact binding on them, while on his own part he disavows any obligation. How can there be a compromise without parties? or how shall an obligation be effectual on one side, and have no correspondent force on the other? The concession of the Senator seems to me utterly to destroy the character of the act of 1833, as a compact or compromise. It does not upon its face profess to have any such character, but stands upon the statute book like any other act of Congress, subject to modification or repeal at the pleasure of the law-making power. If, from any circumstance not appearing upon its face, it is entitled to more sacred regard than other laws passed at the same or any other session of Congress, let the circumstance be pointed out, let us have the proof of its existence. He could easily perceive, from the delicate position in which South Carolina stood immediately preceding the passage of this act, it might be viewed by her with peculiar interest, and demand from her the most profound respect, and exercise over her actions a sort of magic control; but no reason had yet been shown why to any other State of the Union it should be held as any thing more than an ordinary act of Congress. Its binding efficacy as a compact or compromise was disavowed on one side of the House, and not avowed on the other. But, independent of any obligation to respect this act, the Senator from South Carolina seems to think that, in

1842, we of the South will stand in a much better situation by leaving the act of 1833 unaltered, than we shall do by any present modifications we can possibly make. This position is plausible enough, admitting the act of 1833 is in truth a compromise; but in denying that one party is bound by it, while he insists that the other is not, the Senator abandons every legal idea of a compromise; and that being done, he was altogether at a loss to perceive any other ground of advantage to be claimed from it.

But the Senator warns us against an insidious attempt to induce the unwary Southern Senators to abandon the strong ground they now occupy, by holding out to them fallacious hopes of an alteration of the tariff, advantageous to the South, with a view to open the whole subject, and ultimately to fix upon us a tariff more burdensome than that of 1828. He has given us a recital, in which he seeks to fix upon those who bring forward this measure flagrant falsehood and perfidy on a former occasion, and from thence very rationally argues that they are not to be trusted now. But we must be permitted to doubt the correctness of the representation he had made. He did not mean to say that the Senator had not represented things as they impressed themselves upon his mind; but we all know, when the passions and feelings are excited, we see each other and each other's conduct in false lights, and draw conclusions the most erroneous and unjust. The Senator was much excited at the period of which he speaks, and his fervid imagination led him to believe that a deception had been practised upon him, because matters had not resulted according to his wishes and expectations. The Senator's impressions, it seemed to him, were met by the most conclusive proof to the contrary. Among the parties to the fraud of which he speaks, the Senator has placed one now standing very high in the public confidence; one who, among those who are least disposed to do him justice, has had full credit for a remarkably keen sense of his own interests. To the honor of our country, it may be said that honesty, or at least the appearance of it, is essential to a man's long holding a place in public favor. Allowing, then, the distinguished individual alluded to as destitute of moral principle as his worst enemies affect to believe him, would he have been so short-sighted, so recklessly indifferent to his own interest, as to enmesh himself in promises there was no necessity for making, for the mere purpose of breaking them in a few hours, in the face of the whole world? Can greater fatuity than such a course would indicate be imagined? and can it for a moment be supposed of one whom his enemies have entitled the magician?

But let us suppose all this possible; would not the fact have been long since brought home to the personal knowledge of every individual in this wide-spread community? Those with whom the knowledge of the fact exists, if it exists at all, have not been wanting in motives to give it publicity and authenticity, if the thing were possible. Mr. S. said he was glad he had not yet been long enough in political life to have lost his own honesty, or his confidence in that of others. He was the representative of a people with whom nothing but truth and plain dealing could ever be practised or held in estimation; and he would far rather be the "deceived" than the "deceiver." The time might come when longer experience would convince him that in this body, as well as elsewhere, men are not always what they seem; but, for the present, he had just grounds for confiding in the sincerity of those who brought forward this measure. He believed it to be their honest purpose to carry it out in all its apparent fairness. He saw no compromise standing in the way of a vote to suppress the duty on salt. He perceived no advantages to be gained *in futuro* by declining to do so; he was satisfied that the present interests of those whom he represented would be promoted by its suppression; and he was certain they would not receive, as an apology from him, that the Senator from South Carolina had assured him their interests would be more certainly promoted by postponing a present and certain good, to one uncertain in itself in the distant future.

Mr. CALHOUN said he had heard so much of promise, and had seen so little of performance, since he came into public life, that the Senator from New York must really excuse him for not giving that implicit faith to all he heard, which he might, at an earlier period of life, have been disposed to yield. If any one looked at the indisposition of men in power to yield any portion of the power they held, he would readily become convinced that it was a most difficult task to get rid of existing duties. This was not the first time he had been led to make this remark. At the very outset of this session he had said that there would be no reduction of the revenue, and no deposite bill; nor had he uttered this prophecy from any peculiar trait of suspicion which belonged to his character, but from the teachings of experience. Why was the Senate not agreed on this measure? Here was a dominant majority held as closely bound by party ties as he had ever seen a set of men in his life; and yet they could not get along in a bill to reduce the revenue, without the votes of his colleague and himself. It was manifest that the reigning party were divided on the tariff, and equally obvious that that difference did not divide them politically. The tariff was one of those open questions on which men of both sides were left at liberty to vote as they pleased. The party would never get Northern Senators to vote for repealing the protective duties. Mr. C. did, therefore, want faith in the sincerity of the present effort. The Senator from New York [Mr. WRIGHT] had disclaimed all unnecessary delay in reference to the present bill; but did not all know that it was not until two weeks after the land bill that this bill had been brought forward? What hindered its earlier consideration? Gentlemen had suffered the new fortification bill to be taken up, and then a bill to enlarge the army, and then an armory bill; all these consumed time; and, under such circumstances, he must doubt the zeal of gentlemen in pushing, as they might have done. And why was it discussed now, when there was not the remotest chance of its becoming a law? It might produce political agitation, but no reduction of the revenue. If gentlemen had been sincere and earnest in their anxiety to accomplish that object, why were not the items in this bill divided into two distinct classes, and reported in two different bills? In regard to many of them there was no dispute; and if these had been classed together, the bill containing them would have been passed at once by common consent. From the mixing up of these with other items which were sure to produce great controversy, Mr. C. was justified in believing, and time would show the correctness of the opinion, that they would have much talk and no action. Mr. C. was not opposed to those who in good faith desired to reduce the revenue. Those who professed to have this desire had the majority. Let that majority be brought together, and let the declaration be made in a certain quarter that all who oppose the measure would be considered as out of the true faith, and then Mr. C. would believe gentlemen to be in earnest; otherwise he could not. But the Senator from New York [Mr. WRIGHT] had declared that, if there was any secret understanding in regard to the tariff of 1828, he knew nothing of it.

I was (said Mr. C.) consulted at the time, to know how the South would go, and whether the South would sustain the bill as it came from the Middle States? We did so sustain it, but refused to agree to such amendments as would suit the members from the Eastern States. The

internal history of the bill shows what was our calculation. Can any man believe that Southern men would ever have voted for such a bill as the tariff of 1828, unless they believed that by so voting they would insure its ultimate defeat? Do not all the world know that we of the Southern States were for free trade, and looked upon all these protecting duties as neither more nor less than sheer oppression? We surely had an ordinary measure of common sense; and would we vote to resist all amendments to such a bill as was ultimately passed, unless we felt ourselves assured of a contingent advantage? And what was that advantage? We saw that the system might be pushed too far to suit New England; that it might be made to affect injuriously the interests of navigation and commerce; and that in that case they would go against the bill. Surely we must have had some assurance that in the final vote New England would join us. We took our hazard on this issue. We resisted all amendments, and kept the bill in such a shape that we were assured they never could vote for it. Our great inducement was a hope of being able to prostrate the administration, and aiding New England in the defeat of the bill; but the very men who had the most warmly denounced the bill suddenly wheeled round, and, on the final question, took ground against us. If, after all this, I am a little suspicious that gentlemen may be acting here a political part, with the intention of again bringing the whole industry of the country under the action of Congress, and thus gain for their party an unlimited control of its affairs, is it to be wondered at? Is it marvellous that I, who have seen and mingled with and been an actor in such a scene as passed here in 1828, should suspect the entire sincerity of the same gentlemen in 1837?

But the honorable Senator says that salt is not the only article selected by the Finance Committee as an object of reduction; but that others, on which the existing duty is over 20 per cent., have also been inserted in this bill. It is very true. But as the act of 1833 was an adjustment of the tariff, by way of compromise between the manufacturing and agricultural interests of the country, some duties included in it may be reduced by common consent of both parties. Thus, the duties on wines and vinous spirits may be lowered, without interfering with the tariff system, because they are in a manner open articles; but this cannot be said of this duty on salt. This is a test question, and the only article in the bill which presents a fair test, whether the compromise is to be respected or not. On that view of the subject I take my ground. The difference between reducing this salt duty all at once, and reducing it gradually, presents no temptation to me. I neither can nor will be caught in such a trap. In 1840 and 1841 the duties go off rapidly. I shall then claim the benefit of our side of the arrangement; and shall I not be stronger then if I concede now? I put it to all Southern men, whether, even allowing that the compromise has no absolutely binding force, it will not be our wisest policy to hold to it? Whether we shall not thereby render ourselves stsonger in 1841 and 1842? Most certainly we shall. When Senators on the other side sit silent while we thus explain our understanding of the agreement, I hold it to be an acquiescence in our view; for surely it is a most unmanly course if they mean otherwise.

We are told that the President elect is most wonderfully attached to the Southern States and the advancement of Southern interests; and the evidence is the speech he delivered in New York previous to the vote he gave to fix the tariff upon us in 1828; and the vote is not permitted to explain the speech. He voted for the duty on wool and woollens, and for the whole bill of 1828—one of the most oppressive measures to the South that ever was devised; and yet gentlemen have faith in his deep attachment to Southern interests. I am much disposed to look back. Perhaps it is constitutional in my mind; but I feel a strong proneness to retrospection. I well remember the constitution of the first cabinet of General Jackson. There was Mr. Berrien, a stout anti-tariff man, and stoutly opposed to the tariff of 1828, (which was passed by the vote of Mr. Van Buren.) Then there was Mr. Branch, decidedly opposed to it. Mr. Ingham, who acted a manly, open part in that business. All these were General Jackson's warm friends. With them were Mr. Dickerson, of New Jersey, a most thorough tariff man, and Mr. Woodbury, of New Hampshire, who (to do him justice) acted not badly in 1828. At bottom, he was opposed to the bill. He acted a very different part from Mr. Van Buren. Mr. Van Buren, if we may judge by his vote, was most thoroughly tariff. Yet it seems extraordinary to the Senator from New York that, with that thoroughly tariff man for President, I should be unwilling to have the compromise disturbed! Let us have some proof that Mr. Van Buren is as hostile to the tariff as the Senator from North Carolina says he is. Until I have proof on that point, I, for one, can never consent to have the tariff question opened, because I am very sure, the moment it is, we in the minority are sure of being sacrificed. Whatever surplus may be left in the Treasury, it is infinitely safer to return it to the States, until a gradual reduction of the revenue shall have dried up the sources from which it is derived. I have determined, under present circumstances, not to call up the deposite bill. I am well persuaded, if the Government shall go on in future as extravagantly as it has lately done, there will soon be complaint heard about a surplus in the Treasury. I have no faith in the present state of the country. It is unsound. There is a plethoric, bloated state of apparent prosperity; but the slightest reverse will throw our whole money concerns into irretrievable confusion. The currency, both of Great Britian and America, was never before in so critical a condition.

Mr. C. concluded by reiterating the declaration that he had taken his stand upon the advantages to be derived to the South from an adherence to the compromise.

Mr. PRESTON next addressed the Senate. He commenced with a series of remarks intended to justify the course pursued by himself and his colleague [MR. CALHOUN] in resisting the reduction of the duties proposed in the present bill. He thought that it would be hard for the friends of the administration who advocated the bill to show that they (himself and colleague) were tariff men, and Mr. Van Buren anti-tariff. As to the act of 1833, President Jackson had, in his message, expressly recognised it as a compromise, and recommended its observance. Little did he expect to be so soon contradicted on the floor of the Senate by such devoted friends. But he was now the setting sun--another luminary was rising in the political sky, and all eyes were now directed to the flaming east. It would do now to say that the act was no compromise, and that all arguments based on that supposition were futile. Yet the Senator from Kentucky [Mr. CLAY] had pledged himself at the time, and still recognised the obligation, sacredly to observe it. The South had at least that guarantee; and, for himself, he preferred relying on that ground to trusting the guarantee of the chairman of the Committee on Finance. The Senator from Virginia, it seemed, considered Mr. Van Buren as pledged to the South; and this on some other ground of assurance besides his famous speech in New York, and his vote in direct contradiction of it. It gave Mr. P. unfeigned pleasure to hear such assurances, and he trusted in God that they would be carried out. He could tell that gentleman that in such a course he would not be opposed by South Carolina. They had had the prophecy, now let actions made it good. The honorable

Senator from Virginia was the priest upon the tripod just now; but how did the Senate, or how could the South, know but another priest might shortly mount another tripod, and deliver a different response? The Senator from Virginia spoke for the South; the Senator from Pennsylvania [Mr. BUCHANAN,] who was now unfortunately absent, might perchance feel in his turn the influence of the god, and utter a vaticination calculated for a different meridian. Mr. P. said that he received with great respect whatever fell from the gentleman from Virginia; but, in this case, he must be pardoned for feeling some little distrust. It might be so, as the Senator supposed; but, for one, he should be glad to hear the Senator from Pennsylvania rise in his place, and make a declaration in consonance with that which had just been uttered by the Senator from Virginia. But the gentleman (said Mr. P.) qualified his position by a certain set of words, carefully selected and cautiously weighed. The new President, it seems, is practically opposed to an extravagant tariff—ay, practically. He is for none of your vague abstractions—oh, no. His is a practical operation; and we are told this by honorable gentlemen who hunted down a late administration because they were the friends of a "judicious tariff." And now, sir, can the gentleman tell us what is a practical tariff? What the dominant party mean by no abstractions, I understand to be no constitutional objections; for the constitution is a mere abstraction—a mere bit of parchment. But we of the weaker interest have nothing to appeal to but papers and parchments; we have nothing to rely upon but these abstractions. I should have been glad to have heard from the honorable Senator what is to be the exact nature and extent of the practical opposition which we of the South may expect from the powers that are to be. The present President came into power as the friend of a practical judicious tariff; and what did that turn out to be? The tariff of 1828, followed by the tariff of 1832—a tariff which we of the South felt ourselves compelled to resist. But the honorable Senator informs us that we have reason to think the feeling in the country in favor of high protecting duties has been greatly weakened. But where is the proof of this? We all remember the history of this feeling heretofore. We all know that the tariff system went on by constantly increasing majorities; and the larger the tariff proposed, the more votes were brought up in its favor. And what is the state of the interests still concerned in the same system? What one State has changed its policy or its principles on this subject? Do we not see, to this very hour, that the moment those interests are touched their representatives act in disregard to all party ties? Will gentlemen, in a moment of triumph, because, with the aid of myself and my colleague, they find themselves able to break down the tariff of 1828 and 1832, sing the flattering song in our ears that the tariff feeling is dead, and the tariff interest changed? If so, why have they not struck at the whole system? Gentlemen talk about the fruit of taxes going into the pockets of the rich, while they are gathered from the labor of the poor; but what, I pray you, has been the movement of their whole party? Has it not been to make all those articles which are intended for the consumption of the rich free of duty, and only strike at salt and spirits? Why did they select China? Does not that belong almost exclusively to the rich? Look at the whole list proposed in the present bill, and how many of them are articles for the relief of the poor man? Yet we are taunted and twitted for favoring the rich against the poor, while they themselves are taking off the duty from the conveniences or luxuries of the rich alone. Why? With a view to favor the rich? I do not say that. But out of a half-way respect for the compromise of 1833. The Senator from New York [Mr. WRIGHT] does not consider that act as a bargain, nor does he think either the North or the South pledged to its observance. Now, I do know that it was regarded as a bargain. I gave my pledge in behalf of those whom I represent. They consider themselves as bound in good faith; and if a compliance with it will take the last cent of my constituents out of their pockets, it shall be complied with, so far as depends on me, because I respect their honor above their property. I, for one, do not hold myself at liberty to disregard that act because it is only a bit of parchment. I am not at liberty to tear bits of parchment the moment they stand in the way of my pecuniary interest. But I will not argue the question. As to the surplus in the Treasury, I do not feel myself called upon to speak, at this time, about its disposition. The administration of General Jackson declared to the nation that there would be no surplus. I am glad now to hear that there will be one. I am happy in beholding the rising auspices of my country; and if the majority in power consider themselves free from any obligations to respect the act of 1833, and are sincere in their purpose to effect a reduction in the revenue, I hold myself ready to push with them at the tariff; but I fear that, instead of a dominant and triumphant majority, those who make that attempt in earnest will speedily find themselves in a lean and powerless minority.

Mr. WRIGHT stated that the rate of duty on common salt was a fraction over 82 per cent., (taking the year 1835 as the standard.) If the expression of sentiment was to prevail which had been given here in regard to articles over and under 20 per cent., it was of course useless to occupy any more time in the discussion of the present motion. He must, however, detain the Senate for a short time, in order to explain the motives of his own action in inserting this article of common salt in the bill, with a view to abolishing the tax now imposed upon it. He would first, however, offer one word in regard to the views which had been given of the compromise act, and of its limits. If he was right, the views which gentlemen had expressed on that subject were certainly wrong. It seemed to be assumed, by gentlemen of all political interests, that all duties at 20 per cent. were inviolable; because the compromise bill referred to all duties over 20 per cent., and Congress had acted on all under 20 per cent.; so that this particular point, while the duty was exactly 20 per cent., formed an exception from all human action for a certain term of years. It might be so; but he owed it to himself, as a member of that Congress which had pssed the bill, that he had made up a record for himself, and he considered the compromise act as standing precisely on the same basis as any other law; and no matter what were the terms employed in it, he was just as much at liberty to act on that particular law as on any other passed by the Legislature. He would now explain what were the views he entertained in regard to that bill. All duties not affected by the action of the bill were equally subject to reservation; all over 20 per cent. were in a course of reduction, while those at and under 20 per cent. were not. He found, to-day, that in the views of gentlemen those articles alone might be rendered free of duty which were below 20 per cent. He would ask of all Senators who had been here when the compromise bill was passed, and still held a seat upon that floor, why the duties at 20 per cent. were to be held inviolable, while all above and below that point were subject to the action of Congress? He had thought that every duty left stationary by the compromise act itself was entirely open, if gentlemen chose to resort to that bill as an authority for legislation. But, for himself, he did not admit that it possessed any binding force beyond any other law.

Then, as to the important article of common salt: he stood, with his respected colleague, [Mr. TALLMADGE,] in

a situation the most interested of any gentleman on the floor, so far as his constituents were concerned. There was no State in the Union which made as much salt, or any thing like as much, as New York. While he thanked the Senator from Missouri for the favorable opinion he had expressed with regard to his course on this subject, he must be permitted to say that he did not know whether he truly represented the wishes of his State when he urged that this article should be duty free. He believed he did; but he was not quite confident that such was the case. His conviction was, that the measure would be sustained; and why? He would tell gentlemen. It would, on examination, be found that what had been stated by the Senator from Missouri was perfectly correct; namely, that in the year 1835 the value of imported salt had been something over $600,000, while the duties paid upon it amounted to $537,000. What was the amount of the interest which New York desired to be protected? The factories in that State now manufactured two millions of bushels per annum—perhaps he erred, but he believed that it was at least that. The revenue imposed by the State, at 6 cents per bushel, had amounted the last year to over $100,000. This was a very important revenue to the State. A hundred thousand dollars a year derived from an excise! Was it then prudent, patriotic, or proper, in him, to contend that the country ought to pay a tax of $530,000 to protect his State in the reception of a revenue of $100,000? In reply to this question, he was compelled to say no. As to the interest of the manufacturers themselves, he presumed they would be willing to compromise, and let the protecting duty go, if the State will release them from its excise. The argument, therefore, came back to the principle, whether, while the money was not wanted, he should stand there in his place, and tax the nation half a million of dollars, in order that his own State might get a hundred thousand. He could not consider such to be his duty.

What, then, was the state of the manufacture? It was now as perfect as it ever could be; and here let him say, on his own knowledge, that it had been on nearly as large a scale as at present, with a price of only ten cents a bushel. It had been sold for even less than that. He spoke of that part of the price which went to the manufacturer, after deducting the State tax. The tax had been twelve and a half cents; it was now reduced to six and a quarter. On the same principle which had made him unwilling to vote for retaining a revenue of $340,000 for the sake of protecting a branch of manufacture in which $150,000 capital had been embarked, he was unable to vote to retain this duty on salt. With the exception of the State of New York, but few factories would be affected, to any extent, by making it a free article. There were a few on the Atlantic border which would be somewhat affected by it. He knew that there were factories, also, near the river St. Lawrence; but, for their protection, he was willing to rest on the difficulties and cost of bringing in the foreign article. He could not, also, forget that about one half of those he represented derived their supply of salt, not from the State factories, but from foreign importation; that they paid the same tax as the rest of the Union, and would be proportionally relieved by its removal. Thus situated, he had a very difficult duty to perform; but he had inclined, on the whole, to taking off the duty.

And here he must be permitted to say that a misunderstanding still existed as to the principles which had governed the committee in reporting this bill to the Senate. It seemed to be supposed that the committee had felt themselves restrained from touching any article the duty on which exceeded twenty per cent.; but the insertion of this article of salt was one fact which must effectually dispel that idea. He was just as willing, when seeking to reduce the revenue, to go into the examination of articles above twenty per cent. as under. He should not, indeed, touch any of the protected interests, when their protection held any reasonable proportion to the gain which would accrue to the country by taking off the tax. This article of salt was not the only item which the committee had touched, when the tax was over twenty per cent. They had laid their hand on some which enjoyed a protection over one hundred. The great interest of the country in a reduction of the revenue was paramount to the prosperity of some particular interests. As almost every article which they could reach was an article of luxury, and, therefore, a legitimate subject for taxation, it had given him pleasure to find in the long list at least one which was as necessary to human life as any thing which could be conceived, not excepting bread-stuffs themselves. He would not deny that this consideration had pressed with important weight upon his mind. On many other items in the bill he had acted with extreme reluctance; but it was with lively satisfaction that he found himself justified in proposing to abolish entirely the tax upon salt.

Mr. PRESTON next addressed the Senate. He said, if he had rightly understood the Senator from New York, he had maintained the position that, even adhering to the compromise act, this article of salt might be introduced into the bill. The Senator had further stated, that although he did not hold himself bound by the compromise, yet he was indisposed to touch important protected interests if it could be avoided. Mr. P. said that, for himself, he was disposed to reduce the duties whenever they ran counter to the law of 1833. He was a thoroughly anti-tariff politician, and ready and disposed, as such, to go all lengths, if he were not concluded by the law of 1833. He should vote to reduce any duty, when the reduction did not interfere with that act; but, whenever it did, he should steadily vote against it; for he was satisfied, from all the indications around him, that the anti-tariff interest in that chamber was the weaker interest, and that the only safety for them of the South was to adhere to the compromise. If once the tariff question were opened, and the existing provisions on that subject thrown afloat, Southern Senators would at once be reduced to an impotent minority, and would be compelled to sit by and see their rights, and their feelings too, sacrificed before their faces by interested combinations. The indications this day given had left no doubt on that subject. The compromise had been assented to by various sections of the country, for the sake of quieting the difficulties which agitated and threatened the Union; the larger interest yielding something to the weaker, and the weaker also consenting to relax something of their demands, lest their opponents should be driven to extremities. While the measure was under consideration, the inquiry had been put to himself, whether his State would be satisfied with such a measure. He had replied in the affirmative, and he therefore considered himself as personally identified with a part of the arrangement; for the Legislature of his own State had acted formally in this matter, expressly recognising the act of 1833 as a compromise. That act bound him, and bound her; and when South Carolina gave pledges, she abode by them. She had pledged herself to the compromise; and he, as her representative, should stand to it. No doubt, the compromise bill had no force as a constitutional arrangement; but all parties had agreed to it, and the country had gone on well under it. But, even if it were not for the interest of all to adhere to it, was it fit and becoming to open afresh all the wounds of the country, and bring back all the angry and violent emotions which had been excited by the tariff controversy? If it were for the sake of peace alone, he would not disturb the arrangement which had been

made. Gentlemen might open the question again if they pleased; and, in that case, what would be his own position? He should be found on the extreme verge of the anti-tariff party. If the field was again thrown open, they must fight. Woollens, he supposed, would be the rallying point; and thus they would proceed from one article to another, fighting all their battles over again. If they must do this, they must; but he, for one, would gladly avoid it. Would Senators from the South permit the question to be opened? He addressed himself to the two flanks; and first to gentlemen in the opposition. Would they consent to throw a question of this kind open to an administration whose written principles were on one side of it, and their recorded votes upon the other? Would they again suffer the Executive to dandle them one against the other, and thus secure his own power, while he himself remained uncompromitted to one side or to the other? The Executive would bow to the one party, and assure them that if they would but give up their opposition, the tariff question should be their own; and then bow with equal grace on the other side, and give them a like assurance. But could this thing be done? Could such a double game be played? History showed that it could be done, and had been done; and that by a far less adroit manager than was soon to fill the executive chair. The present incumbent had played this game, and had played it up to South Carolina. The friends of the administration, speaking in its name, claimed to be with both parties—with one at the North, and with the other at the South; and by this very game General Jackson had got his power. And would gentlemen now permit an Executive who would not, and who could not, be compromitted to any thing, thus to hold a rod over them? He, for one, was unwilling to produce such a state of things; and he was anxious, on political as well as on other considerations, to keep the question closed. He had said that the future Executive could not be compromitted. Had the present incumbent been compromitted, bold and decided as he was? Would any gentleman rise in his place and say that President Jackson was a tariff or an anti-tariff man? The friends of the tariff strongly believed that he was with them. The opponents of the tariff as strongly believed that he was with them. South Carolina went for him as being against the tariff, and Pennsylvania went for him with equal zeal as being decidedly for it. Mr. P. might offend those who worshipped the setting sun, if he should say that the rising luminary was brighter. This, however, he supposed, might very safely be affirmed--that the coming administration would not be bolder than that which had preceded it.

He would now address himself to the friends of the administration. A Senator from New York now called upon them to open the tariff question, when it had been New York that had fastened on the country the tariff of 1828. He repeated the assertion: it was New York which had done this *suo vigore*. It had been Martin Van Buren who gave the vote which fixed the tariff of 1828 upon the Southern States; and it was under this tariff President that New York again called upon them to open the question. For whose benefit? That of an anti-tariff President? Or of a tariff President? Of both. Which was he? Were they to believe his vote in 1828, or the anti-tariff movement of the present day?

He knew very well the principle which was adopted here, that any man who was elected President was to be understood, from that fact, as having the popular sanction for all he had done, be it what it might. Very well; admit the principle, and how would it apply to the President elect? He had sustained the tariff of 1828, and the people since elected him, and had, of course, sanctioned the tariff policy, and to oppose it would be treason. This was the position which might legitimately be taken. The people had voted for a man who stood recorded on the records of the Senate (if the Senate had any permanent records) as a tariff man. Of course, the Legislature, in this state of things, must turn just as he turns. But Mr. P. thought this doctrine eminently wrong in principle, and he did not believe that any individual could derive great benefits from it. He considered it as neither wise nor proper, honorable or honest, for a Legislature which had built up manufactures by a protective policy, suddenly to change its course, and at one blow prostrate all the establishments which had grown up under their previous legislation. It might, indeed, be said that our citizens who were investing large amounts of capital in particular branches of industry were fully apprized that the Legislature possessed this power, and might at any time exercise it. This was true; but then the people believed that those whom they intrusted to make their laws were cautious and wise men; and that, having once deliberately embraced a course of policy, they would persevere in it, or would at least abstain from so great and sudden and ruinous changes as to prostrate the great interests of the country. In the most ardent period of Southern opposition to the American system, it had never been contended that all the manufactured articles which had for years been protected by the tariff were at once to be laid in the dust. When the angry feelings of the South were roused to their uttermost point of excitement, he had never heard a man propose an immediate and sudden and violent change of policy, such as must crush and destroy these institutions. His colleague [Mr. CALHOUN] had never proposed a course of reduction short of seven years in completing its effect; and he was persuaded, if the question had been put to the nullifying convention itself, that body would not have advocated an immediate demolition of all the interests which depended on the tariff for their very being. The tariff law of 1828, which had been saddled on the Southern States by the vote of New York, would have now produced a revenue of fifty or sixty millions of dollars. Had not South Carolina come to the rescue, had she not refused to listen to the delusive promises which were sung in her ears, such would have inevitably been the result. Instead of a tariff of duties which brought nine millions into the Treasury, the country would have had a tariff which, at an average of 28 per cent. on the whole importation of the last season, would have given from fifty to sixty millions. The compromise had prevented such a state of things; and, having achieved that arrangement, Mr. P. was inclined for repose. He never could consent, as a Southern man, to trust a tariff administration with the open question of a protective system. What! were not Southern gentlemen aware that that Senate was not a whit less tariff in its composition at this hour than it had been in 1828? And though they might now repeal the duty on coal, and salt, and woollens, yet, whenever the great interests protected by the tariff should rally their strength, the same plundering association would again be formed, whose combination had carried the tariff laws of 1824 and 1828. He now warned his friends of the South that the tariff principle was in reality as dominant this day as it had ever been. The Executive might, indeed, present a double face to the different portions of the Union. To the South and West he might wear a gilded smile, which would induce them all to think that he was decidedly anti-tariff; decidedly a strict constructionist; decidedly a State rights man; decidedly an anti-abolitionist. While, at the same time, over the other shoulder, there might be another face, nodding to the North; and there all might be equally sure that the President was tariff, unquestionably tariff; a liberal constructionist; a friend of internal improvements, with a little touch of abolition. Under circumstances of this description, Mr. P. was utterly averse from having the

compromise disturbed, and the question of the tariff again set afloat. He was well assured that if that question should now be opened, no Executive whatever would be strong enough to resist the tide of interest which would at once set in. Even the powerful man who now filled the executive chair had not resisted and dare not resist it; and dare, then, his successor? Whatever might be his disposition to do so, it was not in his power. Was it not plain? The Executive could not, for his life, make the vote on any one article in this bill a party vote. Gentlemen were still found voting according to the interests of their own constituents; and so they must continue to vote. Rather than trust executive pledges, whatever might be the executive kindness towards the South, he was for adhering to the compromise. The longer the country reposed under it, the stronger would be its bonds of security and peace. The public mind had now conformed itself to the arrangement. The community was satisfied, and the country, so far as this interest was concerned, was tranquil and prosperous. As a Southern man, he felt bound to adhere to a present and a certain good, in preference to trusting to an uncertain future gain. In the mean time he should be happy to hear the opinion of the chairman of the Committee on Finance [Mr. WRIGHT] on these two points: first, whether he considered the Senate as bound by the compromise law; and, second, whether a leading gentleman from New York was tariff or anti-tariff.

In relation to this particular duty on salt, Mr. P. was in possession of sources of knowledge so intimate as would prevent him from voting on the question. The Senator from New York certainly could not have selected a stronger case to illustrate the impropriety of the tariff law than this very duty on salt. The whole duty was wrong in principle, and abominable in fact. In 1830 it enjoyed in the interior of the country a protection of two hundred per cent., besides all the natural protection arising from its weight and bulk. Yet he knew that even round about the establishment where the salt was made in immense quantities, this enormous duty was rendered popular by the wealth and influence of those who owned the manufactory; and there were no more decided partisans of the tariff system than the poor class of inhabitants in that region on whom this enormous duty was levied. The same influence was exerted in the halls of Congress; and never had he been so profoundly taught the danger of the tariff policy as he had by witnessing its results in relation to this tax upon salt. Salt was selling at a dollar a bushel; the duty upon it was 20 cents, and the poorest people were paying this duty, and petitioning Congress that it might not be taken off. It was a tax which had renewed the virtue (of course he meant politically) of the Senator from New York, and of the forty New York delegates in the other House. The General Government reduced the duty to 10 cents, and the patriotic State of New York to 6 cents, making the existing duty 16 cents per bushel. The liberality of the honorable Senator was most conspicuous in moving to abolish this duty. Mr. P. was not quite so sure of the magnanimity of the forty Representatives in the other House; it might turn out that twenty of them would be found on one side, and twenty on the other; and so New York might decide upon the tariff, unless her Senators were called to vote by a decision of their State Legislature. He believed that on a former occasion the Senators from New York amicably divided, and thus kept the State safe, when in 1832 their State spoke, and instructed them how to vote; and it was possible that the honorable Senator, who had proposed the abolition of this duty on salt, might, when the moment for voting arrived, pull out of his pocket the instructions of his Legislature, and, in the face of all his own speeches, might vote against his motion. The compromise act had found the tax upon salt in this predicament. The duty of 20 cents had been reduced to 15, and by a second reduction had come down to 10, and at that point it stood when the compromise bill was introduced. The operation of the compromise law itself had further reduced the duty about three tenths, so that at the present time salt paid a duty of 7 or 8 cents, and by the year 1842 this would be further diminished to 3 or 4 cents. Mr. P. stated these facts from an accurate knowledge of the details of the subject; but though he stated them for the information of the Senate, and, being personally interested, should not vote upon the question, he was decidedly opposed to touching the compromise.

Mr. DAVIS here stating it was his desire to submit a few remarks on this subject, but feeling unwilling to commence them at so late an hour, the Senate, on his motion, adjourned.

FRIDAY, FEBRUARY 24.

REDUCTION OF THE TARIFF.

The Senate having resumed the consideration of the bill to reduce the duties on certain imports--

Mr. DAVIS rose and addressed the Senate in substance as follows:

I feel it my duty, on this occasion, to say a few words in reply to some remarks which have fallen from gentlemen on the other side, and which seemed to me to be intended personally for myself and my colleague, as representing one of the Eastern States of this Union. My colleague is abundantly able to answer for himself, and will, no doubt, do so in due time. This discussion has taken a wide range, and it has been thought worth while to open the history of the tariff act of 1828. Many of us were witnesses of the transactions referred to; and I do not regret that some time has been occupied on that subject, as it may be a means of sending forth to the country a representation of some affairs not remarkably well understood. We of the North did not very well know how to account for it, when we saw you, sir, [Mr. KING, of Alabama, who was in the chair,] and other Southern gentlemen, voting to keep up heavy protecting duties, while at the same time you inveighed with so much severity against the whole protective policy. We were aware that there was some key to the apparent enigma, and now we have had the whole secret fully unfolded. We could not, indeed, be so stupid as not to comprehend the general tenor of the act of 1828. What was the origin of that act? In 1827, those who were engaged in the woollens interest felt themselves aggrieved that the protective privileges secured to them under the act of 1824 had been impaired by the legislation of Great Britain; and they came to Congress, asking the enactment of such a law as should restore them to the same footing as they had enjoyed under the act of 1824. No action was had at that time, but their application was renewed in 1828; and out of these circumstances grew the famous act which has not unfrequently been denominated a bill of abominations. I do not know who first christened it by this name. I am not personally answerable, although I do not think the name was very much misapplied. The introduction of the bill occasioned a long discussion. Instead of giving the woollens interest a little aid, it was found that the Committee on Manufactures had introduced into the bill almost every thing. There was a heavy protecting duty on hemp, which nobody asked for; duties on duck, on iron, on spirits; although no petition had been presented calling for any one of them. These, and a number more, were gratuitously put into the bill; but when we come to look for what was done for the woollens interest, we find nothing at all. We asked for bread, and you gave us a stone. A high duty, it is true, was imposed on foreign woollens,

but a proportional duty was laid upon wool, which completely annulled the benefit to the manufacturer. The bill was made to respond to other matters, entirely foreign from its professed object. We are not so ignorant as not to know that there were mixed considerations of policy, and various interests concerned, in a measure so complicated in its character. When we saw Southern members voting to keep up high duties on iron, and sail cloth, and hemp, we thought there was some hidden meaning which prompted such a course. Now, as I before observed, we have the full interpretation. The policy of the South has been avowed, and we find that the object was to make the bill so very bad as to drive those who had asked for protection to vote against it. But when it came to the final vote, many of those who had most vehemently opposed the bill suddenly turned about, and voted in its favor. This I could not do. So I, for one, followed exactly the course which, as it now appears, it was designed I should. I voted against the bill. It passed, however, to the obvious disappointment and surprise of many Southern gentlemen, who had calculated on the opposition of every New England representative. I have only adverted to this history, for the purpose of showing that we of the New England States, and especially the woollens interest, were selected as the scapegoat; that while the bill was constructed in such a way as to satisfy all the Middle and Western States, that interest which most needed protection, and which had earnestly petitioned for it, was entirely deserted.

Then came the bill of 1832, a bill of somewhat the same character with that which had preceded it. I deliberated long on the course which it was my duty to pursue; and, in conclusion, felt myself constrained to vote against that, as I had against the bill of 1828. When the period of my election came round, my opponents said that I had been found in bad company, and that I had stood side by side with Southern men in voting against a bill for protecting duties; and it was thence argued, by a similar course of reasoning to that which has been applied in the present debate, that I was an enemy to the tariff. A man, it was said, might be known by his company; and, as I had voted in the same way with avowed opponents of the whole tariff policy, I must be set down as agreeing with them in sentiment.

Then followed the bill of 1833. I was called to act upon that, also; and the journals of the Senate will show that I voted in the negative, as I had done on the two former occasions. I took occasion at that time fully to express my sentiments in regard to that measure. They are in print, and will speak for themselves. The bill, however, passed, and became the law of the land; and, for myself, I acquiesced in it, as all citizens should do; nor am I aware that my State has discovered any disposition to interfere with its provisions.

But something has been said here upon the subject of pledges. The Senator from Virginia, and some other members of the Senate, have observed that they have neither heard nor seen any recognition of pledges, on this side the House, to the observance of the act of 1833 as a compromise. I do not know that these remarks were intended to have a personal reference to myself; but yesterday the Senator from Virginia made the former remarks more pointed and personal, observing that he had carefully watched, throughout the debate, and had listened to hear whether any Northern Senator would acknowledge himself to be bound by the act as a bargain, and had heard no such a word from any one of them. He had heard no pledges from this side of the House. Pledges to what? What pledges does he demand? What did he expect? Is he not in favor of this bill? He says that the compromise act is nothing more to him than any other piece of paper. He approves the present bill, and will vote for it. Well, sir, and how stands the matter with his friends? Who brought this bill forward? Was it on my motion, or on the motion of those with whom I am associated? It was not. The bill has been matured by his own friends; and the chairman of the committee who reported it [Mr. WRIGHT] said it is obvious that about one million of the proposed amount of reduction falls within the provisions of the compromise act. Was it not, then, the deliberate purpose of the committee to report a bill which did interfere with the compromise; and do not all who support the bill avow the determination, which has been so frankly avowed by the chairman and by the Senator from Virginia, to invade that act? If such is the fact, and if this measure is not a mere experiment, but has been seriously brought forward here, what am I obliged to infer? Am I not compelled to believe that those who have brought it, and those who support it, mean to declare that we are not bound by the act of 1833? That, to use the language of the gentleman from Virginia, it is no more to us than a bit of parchment? If such is the tenor and tendency of their own remarks, and such the doctrine they themselves avow, then where is the propriety in calling upon us for pledges? When they avow their disregard of the compromise, do they expect that we shall pledge ourselves to regard it? If that is their expectation, then the present measure is without sense or object, that I can see. What influence is our opinion to have? Suppose we rose in our place, and declared that we held that act to be binding, would the honorable Senator from Virginia change his course? If he would, then must he not admit that this bill is a mere experiment—a test? The chairman assures us it is brought here with a view to its being passed; and gentlemen say that they are willing their sincerity shall be judged by their votes. For what, then, do they want pledges from us? It would not alter their course if we should give them. Their course is wholly independent of any opinion of ours. I cannot, therefore, make any apology for their course on this ground. I do not like to be called upon for senseless and unmeaning pledges.

But I have another word to say about this matter of pledges. My opinions with regard to the compromise bill were freely given at the time it passed; but it became a law, and I acquiesced in it, as was my duty; nor have I given any proof of a disposition to disturb it. But I know that this matter has recently been brought before the Legislature of my State, and that there is a probability of legislative action in regard to it. I am not in possession of any authority to pledge my State to a course of future action; it would not become me; it does not belong to me. The utmost that could be demanded of me would be an expression of my own opinion. It is not for me to give pledges while the matter in hand is before my State Legislature. I can now state that the opinions of that body have arrived by the last mail; I shall lay the document before the Senate, and let it speak for itself. I thought it due to myself to say thus much on the subject of pledges; and, having done so, I will relieve the Senate, and resume my seat.

Mr. BENTON went into a lengthy reply, in which he quoted the journal to show that the present bill was more advanced in proportion to the date of the session than the compromise bill had been in 1833; from which he took occasion to vindicate the committee who reported it from the charge of delay. He denied the binding force of the compromise act, against which he spoke with some severity. He warmly commended the policy of regulating commerce by equivalents, and expressed a determination to commence a regular system of operations with a view to have that policy extensively pursued by this Government.

After a few remarks from Mr. NILES, the question was taken on striking out of the bill the words "com-

mon salt," and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, McKean, Nicholas, Robbins, Robinson, Southard, Webster—15.

NAYS—Messrs. Bayard, Benton, Brown, Cuthbert, Ewing of Illinois, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Mouton, Niles, Norvell, Page, Parker, Prentiss, Rives, Ruggles, Sevier, Strange, Swift, Tallmadge, Tipton, Walker, White, Wright—28.

Mr. BENTON moved to amend the bill by inserting a particular kind of blankets, (specified in his amendment,) used principally by the Indians; which amendment was agreed to: Ayes 23, noes 14.

Mr. NILES offered the following amendment:

"That from and after the 30th day of September, 1837, the duty on fossil coal, culm coal screenings, and coke, imported into the United States, shall be one dollar per ton of two thousand two hundred and forty pounds; and that after the 30th day of September, 1838, the duty shall be sixty cents per ton."

Mr. NILES addressed the Senate at considerable length in support of his amendment, and upon the principles of the bill. He remarked that it was known to the Senate that the subject of the duty on coal had been brought under the consideration of the Committee on Manufactures, of which he was a member, and that, in pursuance of the instruction of said committee, he had reported a bill for the entire repeal of the duty on foreign coal; but as it was not his intention to call up that bill, he had offered this amendment to the bill under consideration, which related to the same general subject of the reduction of duties. The Committee on Manufactures had also made a report, containing somewhat at length their views of the subject, and their reasons for the reduction or repeal of the duty on coal; and did he suppose that Senators had examined that report, he would forbear any remarks in support of the amendment he offered; but from the great pressure on the time and attention of every Senator, and as the subject was not one of general interest, he had reason to believe that few gentlemen had given much attention to the report to which he had referred. He should, therefore, as briefly as he could, submit some general considerations in favor of the amendment. The present law imposes a duty of six cents per heaped bushel on coal, in general terms; and, from the vague and indefinite nature of the language, several questions have arisen, and prosecutions have been instituted to recover the duty in cases of doubt, under the present law. He believed a suit had been commenced in Pennsylvania in respect to coal screenings; and one had recently been decided in New York against the United States, the object of which was to recover the duty on imported coke. The jury decided that coke was not coal, and, therefore, not subject to duty by the existing law. Coke bears the same relation to fossil coal that charcoal does to wood. It is fossil coal charred, or burned, and loses fifty or sixty per cent. in weight by the process. The law is defective; and if the duty was to be maintained at its present rate, it ought to be amended. But his object was a reduction of the duty. A majority of the Committee on Manufactures had recommended a repeal, and he had concurred in that opinion; but being satisfied that a repeal of the duty could not be carried at this time, he now only sought to obtain a reduction. A ton of coal contained about twenty-seven or twenty-eight bushels; and, at the present rate of impost, pays a duty of about one dollar and seventy cents, or now something less, as by the operation of the act of 1833 the duty has been reduced from six cents to five and one third cents per bushel. The reduction proposed is about forty per cent. on the 30th of September next; and in one year from that period about seventy per cent. The rate of duty at that time, should the amendment be adopted, would be about the same as what it will be reduced to in 1842, under the provisions of the act of 1833; that is, about twenty per cent., but probably rather above that rate.

The duty on coal was imposed for revenue only, so far as respects all the former acts; and even as to the last act, that of 1824, it can hardly be claimed that the increase of duty was designed for protection. The act of 1789, which was the first imposing duties on imports, subjected coal to a duty of two cents per heaped bushel; the next year it was raised to three cents; in 1792, to four and a half cents; in 1816, when the whole system of revenue was revised at the close of the war, it was increased to five cents per bushel; and in 1824, to six cents. The act of 1824, which increased the duty one cent per bushel, is the only one that can be considered as having had any reference to protection; nor is it by any means clear that the addition to the duty made by that act had any reference to the protection of the domestic interest, for the country was then oppressed with debt from the war expenditures, and the rates of duty of many articles were increased for the purpose of revenue, and which were in no way connected with any domestic interest. But there is another and stronger reason tending to prove that the object of the increase of duty by the act of 1824 was not protection. The home coal trade then could hardly be said to exist, and it can scarcely be supposed that Congress intended a prospective protection of an interest not then in existence, or not of sufficient importance to demand attention. The preceding season, that of 1823, the whole amount of anthracite coal mined and brought to market was less than six thousand tons. The first anthracite coal which was introduced as an article of fuel was in 1820, when a few hundred tons only were used. It has been increasing since that time to the present. For some years the increase was very slow, but of late it has been very rapid; and since 1831, the anthracite coal which has been brought into the market from Pennsylvania alone has increased about one hundred thousand tons per annum. During the year 1836, nearly 700,000 tons were mined and brought to market. Fossil coal has now become a common article of fuel in all the cities and towns on the Atlantic border of the Union, and its use is extending into the country; and it is extensively used in factories. The primitive forests have been destroyed, and what remain are wanted for timber. It appears to be the natural order and course of things, that during the early stages of the settlement of every country, the forests are the natural resource for supplying the inhabitants with fuel; but, in the progress of time, this resource must fail; the forests disappear before the industry and enterprise of man, and the lands are brought under cultivation. As every country becomes older and more populous, a greater portion of the lands are required for tillage, to supply the wants of the inhabitants; but when the forests are destroyed, and the lands generally brought into cultivation, some other resource must be discovered to supply fuel, one of the most indispensable articles of life; and a beneficient Providence has provided almost every country with an inexhaustible supply of fuel in its mountains, which are not susceptible of cultivation. This is eminently true in the United States. No country on the globe is more abundantly provided with fossil coal, or with better natural facilities of transporting it to the places where it may be wanted. West of the mountains coal abounds almost every where; east it is not so generally prevalent, yet there are large districts containing a supply for all time to come, most of which are in the State of Pennsylvania.

In the older portions of the United States, we have

just arrived at a period when the inhabitants must depend on fossil coal for fuel, instead of the forests which have hitherto supplied their wants. The transition from one description of fuel to the other has been astonishingly rapid within the last five or six years. If the increase in the consumption of coal continues for ten years at the same ratio it has for the last five years, there will, at that time, be one million seven hundred thousand tons consumed yearly from the mines of Pennsylvania alone. This quantity, at four dollars per ton, delivered at tide water, would amount to nearly seven millions of dollars. Pennsylvania had been highly favored; in addition to a fertile soil, she possesses treasures of wealth in her mountains of coal, of which the imagination could not well conceive. Unless fossil coal which may come into competition with her trade shall be discovered elsewhere, the time was not remote when she would receive twenty millions of dollars annually as the proceeds of her coal trade. All the Middle and Eastern States will be tributary to her for one of the first and most important necessaries of life. Mr. N. said that he did not envy Pennsylvania these advantages; he rejoiced that she possessed them; it would always afford him pleasure to witness her advance in that career of wealth and greatness which seemed open to her. All that he desired was, that she should exhibit a just moderation in her prosperity; that she should be satisfied with reasonable profits on her immense coal trade. But he was not willing that, by means of an onerous duty of fifty per cent. on the foreign article, she should be enabled to obtain nearly two dollars per ton for her coal more than the fair minimum price.

From the facts he had stated, it was, he thought, apparent that the question of the coal duty had now become one of great magnitude and importance, both to those engaged in the domestic coal trade and to the country generally. When the last act was passed, in 1824, the question was of but trifling consequence, and there was no reason to suppose that it had received much consideration. Even if he were to admit that the increase of the duty by the act of 1824 was designed to favor the domestic coal interest, the question then was of so little importance, it cannot reasonably be believed that the subject was then fully examined or discussed. But the time has now arrived when Congress is called on to decide whether it is just and proper to continue an onerous duty of nearly fifty per cent. on one of the first necessaries of life, which was originally imposed and has been maintained for revenue only.

Why shall this duty be continued? Is it wanted for revenue? This is not claimed. It is our purpose to reduce the revenue, and the bill before us has been introduced for that object. It reduces the revenue nearly two and a half millions. The duty on coal in 1835 was nearly one hundred and thirty thousand dollars; and, should this amendment prevail, it would reduce the duty about forty thousand dollars the first year, and something like eighty thousand afterwards. So far as the revenue was concerned, the measure was desirable, as our object is to reduce the revenue—to avoid a surplus, which is distracting Congress and the country.

But the Committee on Manufactures had not recommended the repeal of the coal duty as a financial measure. The general subject of the reduction of duties had been intrusted to another committee, no doubt much more competent to so arduous a task. They had proposed the repeal of the coal duty, as a measure of relief to the country from what they believed to be an unnecessary and burdensome tax, which bore particularly hard on the poor; but, so far as the measure would have any effect on the finances, it was favorable; but that was altogether a secondary object.

Is the present high rate of duty on imported coal necessary to protect the home coal trade? This, it must be admitted, is the only ground on which the duty can be justified. He did not, however, believe that so high a rate of duty was necessary for that purpose; nor could he be satisfied, if it was, that it would be reasonable and just to continue it.

Mr. N. said he doubted whether any duty was required to protect the domestic coal interest, and was quite sure that so high a rate of duty could not be demanded. He did not intend to go into a full discussion of this question, but would barely allude to some considerations which had led him to believe that the coal trade was not an interest requiring protection. Fossil coal is a raw material, a mineral existing in the bowels of the earth in a pure state, and fit for use. It did not have to be separated from other and grosser materials; it underwent no process of refining, or any preparation whatever, to fit it for use. It was not the product of human skill, art, or industry, of any kind; it was a valuable deposite in nature's storehouse, provided by a kind Providence, to supply the wants and administer to the comforts of man. All that remained to be done was for him to put forth his hand and remove it from its bed, where it had been deposited for his use. It was one of those indispensable necessaries of life which God had provided in a state fit for use, leaving nothing for man to do. The coal trade was wholly unlike those manufacturing interests that require a high degree of skill and experience, which can only be acquired by a long course of practice, aided by mechanical power and by a knowledge of the construction and use of complicated machinery. The protection to manufactures is defended mainly on the ground that they cannot, in their infancy, stand against foreign competition, and that protection is necessary during the period which is required to enable the home manufacturer to acquire that skill and experience which exists in other countries. This argument, which is the strongest in support of the protection of manufactures, has no application to the coal trade. Another argument, scarcely less weighty in favor of protecting manufactures, is the necessity of guarding them against the depressions and fluctuations of foreign markets; which, were it not for protective duties, would at such periods glut our markets with foreign goods—imported, perhaps, at a sacrifice—and which would be ruinous to our own manufactures. This evil could never be experienced in the coal trade, as the value of foreign coal in our market depends principally on the freight and charges of importation.

There is another cogent reason why the home coal trade cannot require protection against foreign competition; which is, that it is sufficiently protected by the bulk and weight of the article, the almost entire value of which arises from the labor and expense of mining and getting it to market. In a business of this description, it was manifest that the home dealer must possess advantages over the foreign trader, who must be compelled to pay much larger freights, insurance, and charges. Coal is worth, in Liverpool, about thirteen cents per bushel, or between three and four dollars per ton, being nearly as high as the price at which American coal ought to be sold at tide water. Some years since, coal was sold at Philadelphia at $4 75 per ton, and he had no doubt that it could be sold at $4, and afford a fair remuneration for the labor and capital. It is valued at fifty cents in the pit, and it costs fifty cents more to mine it, leaving three dollars for transporting it to tide water and for profits. If the importer has to pay for coal nearly as much in Liverpool as it is worth in Philadelphia, how is it possible that any thing is to be feared from foreign competition? The expenses of importing so heavy and bulky an article as coal must be an ample protection to the home trade. It is estimated

that the expense of the importation of goods, including freight, commissions, insurance, and all charges, together with the difference in exchange, amounts to at least twenty per cent.; and the expenses of the importation of iron are said to be thirty per cent. It can hardly be supposed, therefore, that coal can be imported at less than fifty per cent.; and he believed that one hundred would probably be found nearer the truth. Without going into other considerations, Mr. N. said he thought it was clear that the domestic coal trade was not exposed to suffer from foreign competition, even if the entire duty were repealed. And if this were the case, then the only effect of the duty was to raise the price of the American coal something like two dollars per ton above its minimum value. This must be the effect of the duty on foreign coal, unless there is sufficient domestic competition to keep down the price, without the aid of the foreign trade, which he did not believe was the case.

Mr. N. said that he had thrown out some suggestions, intended to show that the coal duty was not required for the protection of the home trade; but, even if he was incorrect in this, he believed that there were objections to this duty so serious and weighty that, in any view which can be taken of the subject, a high rate of duty could not be defended as consistent with the principles of justice or humanity. He would barely allude to some of these objections:

The duty on foreign coal is necessarily a partial tax; and, as it operates unequally and partially, it is unjust. The duty on foreign coal tends to raise the price of the domestic article, so far as they come in competition with each other, and no farther. This competition is wholly confined to the cities and towns on the Atlantic border. Imported coal never has been, and never can be, conveyed west of the mountains, or any considerable distance into the interior. That section of the Union has an inexhaustible supply of native coal, abounding in all directions, so that foreign coal, if there were no duty, could never interfere. It is only the inhabitants on the seaboard who have any interest in this question; and the tax, both on the foreign and domestic article, is paid by them alone. This tax, therefore, is too limited and partial in its operation to be just.

Another and more serious objection to the coal duty is, that it is a tax on one of the prime necessaries for upholding life, and is extremely burdensome and oppressive to the poor. In a country where the winters are so long and severe as in a considerable portion of the United States, fuel is one of the first necessaries of life. During the last year, not less than nine months a fire was required for comfort, and at all times is indispensable for cooking and family purposes. Coal is the cheapest kind of fuel; and a tax on it is peculiarly burdensome to the poorer classes, especially in our cities. Next to rent, fuel is one of the most expensive articles; the very poorest families cannot get along with less than three tons of coal yearly. Considering the tax as two dollars per ton, it will amount to six dollars per annum to the poorest families. This would be a heavy tax; but it is not all nor the worst of the case. They are subjected to a still more oppressive tax, by the second-hand holders and regraters, as the gentleman from Missouri [Mr. BENTON] called them the other day, in speaking against the salt duty. He exposed the foul practices and oppressions of the regraters, in relation to the article of common salt, in the most eloquent and forcible manner.

Mr. N. said that he really wished he could have the benefit of the talents and influence of that Senator on this question. In his speech against the salt tax, it appeared to him the gentleman was actually inspired; his eloquence was too fervid and sublime to be confined to the sober style of prose; it broke directly into the more elevated and pathetic strains of poetry. He (Mr. N.) concurred in most that the Senator said on that question; yet still he believed that most of his remarks would apply with more force, justice, and truth, to the onerous tax on fuel. Salt, it is true, is one of the first necessaries of life, more universal in its use than coal or fuel of any kind, as it is required for the subsistence of beasts as well as man. But the amount of the tax, especially that paid by the poorer classes, was trifling compared with the tax they pay upon fuel. The class of families to whom he had referred as consuming three tons of coal would not use probably three bushels of salt a year; so that they would pay a salt tax of thirty cents, and a fuel tax of six dollars.

What the honorable Senator had said of the practices of the regraters in the salt trade would apply with more force to the regraters in the coal trade. And how far these practices were sustained and kept up by the duty, might be a question; but he verily believed that if the duty was repealed, and foreign competition let in, the extortionary and oppressive measures of the regraters would be at an end, or their enormity very much diminished. The selfishness and rapacity of second-hand dealers and regraters in the coal business were greatly favored by the condition of the trade: anthracite coal, which was the kind used in the Northern cities, came almost entirely from Philadelphia, an inland port, which was closed nearly three months in the year, and during that period when the demand for fuel was most pressing; the duty excluded foreign coal, and the ice shut out any additional supply from Philadelphia at the setting in of winter. This gave the holders the control of the market, who have nothing more to do but to combine, to enable them to regulate the price at their pleasure. This they have done the last three years, in all the cities north of Philadelphia. During the last long and severe winter, these merciless regraters in New York, as he was credibly informed, held their regular meetings, at which they consulted the thermometer, and the capacity of the citizens to endure freezing. As the cold increased, and the sufferings of the poor became more intense, they raised the price of coal from week to week, and even from day to day. So complete was this system of oppression, that the price of fuel formed a scale to determine the continuance and degree of the cold. The result of this system was, that coal which was probably worth seven dollars per ton when the navigation closed, was raised to sixteen dollars per ton. The sufferings of the poor, under such a state of things, might be conceived, but could not be described.

But (said Mr. N.) he would by no means assert that these regraters in coal were sinners above all other men: the evil, great as it was, ought to be ascribed to the condition of the coal trade. The retail dealers had only done what nearly all men will do; they had only taken advantage of circumstances to obtain the highest price for their commodity. This, however unjust and oppressive in many cases, is what the cupidity of the human heart will lead most men to do. It is the embarrassed state of the trade, the obstruction of the home trade, and the exclusion of foreign competition, which has occasioned these results—which has led to practices so oppressive, cruel, and inhuman to the poor. Who can contemplate evils like these, and sufferings such as he had feebly attempted to describe, and believing that they are in any degree the result of our legislation, without feeling an emotion of indignation springing up in his heart?

There is (said Mr. N.) another cause that has contributed to the evils in the coal trade, which he had attempted to point out, and which, in his opinion, was a sufficient reason against continuing a high rate of duty on foreign coal, were there no other. He alluded to the fact that the coal trade was in the hands of a few large com-

panies, and to all intents and purposes was a monopoly in fact. Whether a monopoly is created by legal enactments, or arises from other causes, it is not the less a monopoly, nor the less subject to the evils which attend all monopolies. It is a well-known fact that the coal business is in the hands of a very few large companies, who manage it in their own way, and, as they believe, for their own interest. One variety of coal (that called Lackawana) was got to market by one company only. How many companies were concerned in all he could not say, but there were but few. The coal lands had been bought up by these monopolizing companies, who had constructed canals and railroads into the coal region, of which they had an exclusive control; and by these means they had obtained a complete and entire monopoly of the business. They have attempted to regulate the supply according to their estimate of the demand, and with a view to keep up the price. It will be found, by examining the statements in the remonstrance they have sent here, that when an unusual quantity of coal, brought to market, has remained over the year unsold, there has been a corresponding reduction in the supply got to market the following year. This fact alone proves that the coal business is in so few hands, that those who supply the market can regulate the quantity according to their pleasure and their estimate of the demand. It is also a remarkable fact, and inconsistent with what is found to be true in almost every kind of business, that whilst the demand for coal has been rapidly increasing, the price for several years has been advancing. This shows that there is something wrong; for an increased demand, which is calculated to give stability and activity to business, is usually and naturally attended with a reduction of prices. It has been so in every department of the manufacturing business. The price of coal in Philadelphia, from 1820 to 1828, was from $7 to $8 a ton; from 1828 to 1832, it was $6 to $6 50 per ton; during the years 1834 and 1835, it was from $4 75 to $5 25 per ton; and during the year 1836, and the present year, coal has sold in Philadelphia at from $6 to $9 50 per ton. For two years, those of 1834 and 1835, the price of coal was reduced; but even then the regraters managed to raise the price enormously high, during the winter, in the cities north of Philadelphia.

Sir, said Mr. N., it deserves our serious consideration whether there is not something wrong, radically wrong, in our whole revenue system. On what articles and on what portion of our population is the burden of taxes thrown? Look into your statute book, and see the long list of free articles! You will find among them tea, coffee, fruits, silks, linens, worsted stuff goods, and many others, which, if not, strictly speaking, luxuries, are articles most of which are consumed by the more wealthy classes. The bill now before us reduces the duty on wine to a mere nominal rate, the highest duty being but twelve and a half cents per gallon, and the lowest only three fourths of a cent. Is it the policy of this Government to throw the whole burden of taxation on the necessaries of life? If it is, and if this is a consequence of the protective principle, it deserves very serious consideration how far that principle, in its application, requires to be modified and restricted. He could not approve of that policy which throws the whole burden of taxation on the necessaries of life. It is unsound in theory, unjust and oppressive in practice. The wisdom and justice of all laws must be determined by their practical operation. Is there not great injustice in the operation of our revenue laws? Let any one during the late severe winter have visited one of our large cities, say New York; let him have entered the mansions of some of the wealthy citizens, the bankers and brokers of Wall street, who amass their thousands and ten thousands in a day, and live in the magnificent style of princes; let him have witnessed their splendid rooms, their superb and costly furniture, perhaps imported from London or Paris—sofas, ottomans, mirrors, carpets, all of the most expensive kind--and if he dined with them he would have seen the "purple and fine linen" in which their families are arrayed, the plate and rich furniture of their tables, and have tasted of their sherry and champagne. After witnessing all this, let him have inquired what was the amount of taxes which this wealthy citizen paid to his Government for all the princely exhibition of magnificence he had seen, designed to display his wealth or gratify his pride. He would find that the taxes on all he had seen were nothing, or next to nothing.

But let the same individual, on leaving these scenes of luxury, visit the cellars and garrets of the poor, see their half-clothed and half-fed families, shivering around an old stove, warmed by a handful of coals, which have been purchased at a price one hundred per cent. higher than that paid by the wealthy citizen, and on which he has paid a tax of fifty per cent., and whatever else he found in these wretched abodes of the poor, he will learn that it has all been heavily taxed, because it belongs to the necessaries of life. Such is the operation of our revenue laws.

Mr. N. said he was aware that the proposed reduction of the duty on coal was inconsistent with the provisions of the act of 1833, commonly called the compromise act. It might, therefore, be proper for him to say a few words on that subject; and he was the more inclined to do so, from the remarks of the honorable Senator from South Carolina, [Mr. CALHOUN,] who declared, that if gentlemen from the manufacturing States remained silent, after the explanation he had given of his own course in relation to that act, he should consider them as bound to respect it, and to adhere to and carry out its provisions in good faith. Several gentlemen had expressed their opinions of the act of 1833, and he did not exactly concur with any of them; his own opinion was of no importance, except to his own constituents; yet, as representing a manufacturing State, and as a member of the Committee on Manufactures, it might be proper for him to express his sentiments in relation to that law. His State was as extensively interested in manufactures as any in the Union, with perhaps two exceptions, and he was not sure that it was behind Massachusetts or Rhode Island. It had no large manufacturing towns, no Wares or Lowells, for the reason, he supposed, that it had no Boston, no large commercial town, where the great capitals accumulated from commerce had sought employment in manufactures. He would not say that he rejoiced that his State had neither Lowells nor Bostons, but he would say that he preferred the manufacturing interests as they existed in his own State, consisting of small establishments, with moderate capitals, carried on by private companies and individual enterprise, spread all over the State, in almost every town and village, and embracing every department of manufacturing industry, and every description of mechanical employment. He much preferred this state of business to large establishments in the hands of wealthy corporations, which erected and owned entire villages. It was individual interests and personal rights which he regarded as the highest duty of Government to cherish and sustain.

In respect to the act of 1833, the Senator from Kentucky and some others considered it as a compromise of the interests of the tariff and anti-tariff States; and that it possessed the binding force of an actual compact, the national faith being pledged to maintain it. Other Senators considered that law as having no higher character, and as entitled to no more respect, than any ordinary act of legislation.

Mr. N. said he did not concur in either of these opinions. Considering the circumstances under which that

act was passed, the pledges upon the face of it, the acquiescence of the nation in it, and the impression which has prevailed very extensively, although by no means universally, that it had adjusted and settled the tariff question for ten years, he did not think it would be just or reasonable to regard that act as entitled to no more respect than an ordinary law of Congress. If the law itself was entitled to no more regard, something at least was due to public opinion, which had assigned to it a higher character. So far as that act has been considered as having settled the tariff question for ten years, to the same extent individual interests may have been influenced and regulated by it, as a supposed compromise which was not to be disturbed.

Mr. N. said that he would respect and maintain the object and the general principles of that act, but he could go no further. He could not regard it in the light of a compact, which was binding on Congress or the country, according to its precise terms, and in the same sense that a contract is binding. Are gentlemen aware of the consequences of assuming the position that the act of 1833 is to have the binding force of a contract? The provisions of the act are not limited in their operation to the year 1842; but some of them are to take effect after that time only, and are unlimited. If they cannot be disturbed or interfered with, then a law of Congress will have all the operation and effect of an amendment of the constitution, circumscribing within narrow limits the powers of this Government, on one of the most important subjects of legislation; one which, perhaps more than any other, will require the frequent action of the legislative authority.

By the provisions of that act, after 1842, no higher rate of duties than 20 per cent. can be imposed on imports, under any circumstances; it also provides that all credits are to be abolished, and all duties to be paid in cash, and the valuation is to be according to the price at the port of entry. The act also specifies a list of articles which are to be imported free of duty, after 1842; and which, according to the terms of the law, can never be subject to a duty. These are important principles, which take away a large share of the power of Congress over the subject of raising a revenue by duties on imports. Some of these principles may be found inconsistent with the interests of the country or those of his own constituents; and if so, he should not consider himself bound by them. And it would not be consistent with his ideas of justice to take the advantages of the act, so far as it operates to keep on the high rates of duties, and deny its force afterwards. He could not regard the act as a compact above the reach of legislation for ten years, and then deny its binding force afterwards. But he would respect the general object of the law, and the leading principles of it, intended to secure that object. What was the great object of that act, and the general principle of the adjustment of the tariff controversy? It was, that the high rates of duties were to be gradually reduced down to a certain point. This was the substance of the adjustment, and the rest is matter of detail, and of minor importance. To reduce the high duties at once, or very rapidly, would be a violation of the general principle of that act; but to increase the scale of reduction, or to reduce or repeal the duty on particular articles, which may not need protection, and where the duties operate unjustly or oppressively, would only interfere with its details. This he believed to be the case of the duty on coal and other necessaries. His own opinion was, that the better course would have been to have increased the reduction of all the high duties, upon some general and uniform principle. Under the act of 1833, only one tenth of the excess above twenty per cent. is to be taken off biennially; which was a very slow reduction, amounting to hardly one million of dollars on the whole revenue every second year, or half a million annually. A much more rapid reduction than this might be made without injury to any interest. He could not believe that there was any manufacturing interest, or any other interest, that required the protection of a duty of fifty or sixty per cent. at this time, which could be sustained by a duty of twenty per cent. after the year 1842. The duty was either higher than was required now, or it would be found insufficient then. He was in favor of a reduction now, it being an object to avoid a surplus revenue; and should it be found in 1842 that twenty per cent. duty was not sufficient to sustain the woollen, or any other important manufacturing interest, he should not feel himself restrained by the act of 1833 from advocating a higher rate of duty. He regarded it as one of the highest obligations of the Government to sustain and protect all the important interests of the country, so far as it could be done by a wise and discreet adjustment of the revenue, and a proper discrimination, calculated to favor the interests and industry of our own country.

Mr. N. said that, should the amendment be adopted, he felt confident it would not affect injuriously the coal trade of Pennsylvania; its only tendency would be to reduce the price of coal to something nearer its fair minimum value at tide water, and in some degree to check and counteract the evil practices of the monopolizers and regraters in our cities.

Mr. BUCHANAN said he would not impose upon himself the task of following the Senator from Connecticut [Mr. NILES] throughout his argument. If he were to pursue this course, we should not close our contest even at the rising of the stars, which was the time appointed for the termination of the ancient trials by battle. He should therefore content himself with some general observations on the subject.

Mr. B. congratulated the Senator from Connecticut upon his rapid advance towards the true doctrine upon this question. Some weeks ago that Senator, as chairman of the Committee on Manufactures, had reported a bill to repeal altogether the duties upon the importation of foreign coal. After reflection, he now merely proposed to hasten, by a few years, the operation of the compromise act in relation to this article, by reducing the duty to one dollar per ton after September next, and to sixty cents per ton after September, 1838. Judging from this rapid change in his opinion, Mr. B. had good reason to hope that if the Senator could have a few weeks longer for further reflection, he would acknowledge himself to be wrong, and permit the reduction of this duty to keep pace with the reduction of duties upon other protected articles. It was now, under his proposed amendment, only a question of two or three years, sooner or later; but it was one involving the important principle whether this great staple of Pennsylvania was entitled to the same protection with other articles of domestic production.

Mr. B. said he would undertake to demonstrate that coal was an article as clearly embraced, both by the letter and the spirit of the compromise act of 1833, as the woollen manufactures of Connecticut, or any other domestic fabric. Here he would take occasion to make some general suggestions in relation to this act. He had stated, on a former occasion, that when this bill had passed he was in a foreign land. When he received the information of its passage, and that it had caused all the angry elements of political strife to subside, and produced peace and tranquillity at home, he hailed the news with more heartfelt joy than any other political event which he had ever heard. He did not then wait to examine its provisions. He was surrounded by persons who were predicting that our Union was on the point of dissolution. The tone of our public papers, as well as the debates in Congress at that period, had led

those to believe, who did not understand the recuperative energies of our constitution, that we were on the very eve of separation. The passage of the compromise bill dissipated this illusion throughout Europe. Upon subsequent reflection, he could not say whether, balancing the difficulties which surrounded the question, he would or he would not have voted for this measure, had he then been a member of the Senate.

But this bill had received the sanction of all the competent authorities of the country. It was now the law of the land. It was the price which we had paid for domestic peace and tranquillity. It was the act which restored harmony to the Union. Under these circumstances, he could not consider it as a mere ordinary act of legislation. It is true we might repeal it; yet he thought there was a moral obligation imposed upon us to give it a fair trial. From the recent debates and proceedings in the Legislature of Pennsylvania, and from his own knowledge of the sentiments of the people of that State, he believed that, in expressing this opinion, he was speaking the voice of a large majority upon that subject, notwithstanding many might suppose that this act would not yield sufficient protection to some branches of our manufactures.

What was the nature of this compromise? He would state it briefly. It provided for a gradual reduction of the then existing duties on protected articles, until they should sink to twenty per cent., on the 30th June, 1842; and after that period this amount of protection would be secured to the agricultural, manufacturing, and mining productions of the country. The credits for duties, which were now extended to importers, would then be abolished, and they must be paid in ready money. This would be an important advantage to our domestic industry; as it was notorious that, at the present time, importers of foreign merchandise converted the credits which they received from the Government into so much active capital, to be employed in making further importations. Besides, the compromise law provides that, after June, 1842, the duties shall be assessed on the value of the goods at the port of entry in this country, and not, as at present, on their value at the foreign port from whence they are exported. It also enacts that a number of articles essential to our manufactures, and which cannot come into competition with any of them, shall then be admitted free of duty.

Mr. B. would feel more confidence that this duty of twenty per cent., with the other advantages secured to our domestic industry by this act, would be sufficient to sustain our manufactures after the year 1842, if it were not for one counteracting cause. He referred to the rapidly increasing amount of our paper currency. Should it become much more depreciated than it was at present, our manufactures would be in great danger. It was impossible that the manufactures of any country, where the currency was greatly depreciated, could sustain a competition with those of another country possessing any thing like equal advantages, where the currency was in a sound and healthy condition, without an amount of protection which the American people would never sanction. It was fortunate for us that, at the present moment, the currency of England was not in a better condition than our own. For his own part, he should give no vote at the present time which might tend to disturb this compromise. In this respect he would follow what he believed to be public opinion in the State which he had in part the honor to represent.

Was coal a protected article which had been embraced by the compromise act? The whole argument contained in the Senator's report from the Committee on Manufactures rests upon the principle that it was not. He alleges that the duty collected upon its importation had always been merely for the purpose of revenue; and he assumes the fact that although the tariff of May, 1824, had raised this duty from 5 to 6 cents per heaped bushel, there was no intention, by this increase, to afford protection to the domestic article. For this reason, he contends that it is not within the spirit and meaning of the compromise act; that it is not one of the great interests intended to be protected by it; and that the question is left as entirely open as if we were now, for the first time, about to determine whether we should impose a duty on the importation of foreign coal. This was the scope of the argument contained in the report.

Mr. B. must be permitted to say that the Senator had entirely mistaken the fact upon which his whole argument was founded. He believed he personally knew as much concerning the origin and progress of the tariff of 1824 as any man living, the Senator from Kentucky himself [Mr. CLAY] not excepted. "All which he saw, and part of which he was." The gentleman who reported and carried that measure through the House, the late Judge Tod, was his colleague from Pennsylvania, with whom, during the whole progress of the bill, he had been in constant and daily habits of intimacy. That gentleman would have been faithless to his high trust if, in the general protection afforded to all the great interests of the country by that bill, he had neglected an interest which was then attracting great attention in the State of Pennsylvania, and enlisting public feeling strongly in its favor. His memory was not justly liable to any such imputation. Mr. B. knew the fact.

It was true that in 1823, the year previous to the passage of this law, only six thousand tons of coal had been carried to market in Philadelphia; but the coal region had been explored, and it had been ascertained that a large portion of our mountainous territory was filled with this precious mineral. Without protection, there could not have been sufficient capital invested to extract it from the bowels of the earth, and transport it to market. A duty of six cents per bushel was therefore inserted in the original draught of the bill; and, according to his best recollection, no voice had been raised against this provision. What, then, had become of the corner-stone of the Senator's argument?

The Senator says this was a mere revenue duty. How had he attempted to prove his position? Only by contending that such ought to have been the case. On the same principle, and by arguments equally conclusive, he might withdraw the protection now afforded by our laws from any other article of domestic production. In the whole range of these articles, there was scarcely one better entitled to the fostering care of the Government, upon the acknowledged principles of the tariff policy, than the article of coal.

In selecting objects supereminently entitled to protection, two questions had always been asked: Were they necessaries of life? And if so, was there a fair prospect that, by affording protection to them for a limited period, they would afterwards be able to protect themselves without burdening the community? Let us test the article of coal by these principles. It would be vain to waste arguments for the purpose of proving that coal is one of the necessaries of life. Our forests are rapidly disappearing with the progress of improvement. This is the only article of fuel with which the Eastern cities and the Eastern portion of our Union can now be supplied. Without it, our people would be exposed to the greatest suffering, and many of our manufactories must cease to exist. Was it then wise, was it politic, to be dependent upon a foreign nation for such an article? If we were, a war with England would at once cut off our supply. Fuel is of such indispensable necessity to human existence, in our climate, that we must be greatly dependent upon any country from whence it is derived.

But again. Although the bounty of Providence had

furnished us with coal in the greatest profusion, yet a certain fixed protection was required to bring the native article into common use. Those who framed the tariff of 1824 believed that, with such a protection for a few years, the supply could be rendered abundant, and that the people would enjoy this article at a moderate price. The rapid progress of the coal trade in Pennsylvania and abundantly justified their prudent foresight.

We then well knew that coal was to be found every where in abundance, throughout long and wide ranges of our mountains. But how were we to approach them? How were we to transport it to the commercial frontier of the country, where the chief demand for it existed? Only by penetrating these mountains by canals and railroads. The enterprise and the capital of the State and of our people, under the protection which Congress had afforded, have already, to a great extent, accomplished this purpose. The six thousand tons of 1823 had in 1836 increased to nearly seven hundred thousand tons. Was there any example on record of an interest which had grown so rapidly? He should not undertake to estimate the amount of capital which had been invested in this business. In the memorial which he had presented to the Senate some days since, it was stated to be not less than forty millions of dollars. He believed that this statement did not exceed the truth, and the amount was still rapidly increasing. At the present moment, some of our enterprising citizens were engaged in constructing a difficult and an expensive canal from Columbia, on the Susquehanna, to the tide waters of the Chesapeake, which would open a vast coal region, and furnish an immense additional supply of this necessary article. This canal alone would cost not less than two millions of dollars.

And yet this is the interest the protection of which the Senator from Connecticut thinks he may consider as a question entirely open. According to him, all the vast amount of capital expended upon it, under the faith of your laws, entitles it to no favorable consideration from Congress. Mr. B. said that with the very same or perhaps greater propriety, he might propose to violate the compromise, and reduce the duty on woollen or cotton goods, notwithstanding the amount which had been expended in the erection of woollen and cotton manufactories. He should be sorry to make any such proposition. The persons interested in the coal trade had only asked to remain on the same footing with the other great interests of the country. They know that before the year 1842 they will be able to protect themselves. Nay, more: they have expressed their entire willingness to share the same fate with other interests, in case Congress should deem it necessary to reduce the duties on protected articles generally to the standard of twenty per cent. more rapidly than the compromise act requires. Fair play is all they demand; and fair play, so far as he was concerned, they should have.

The Senator says that the coal trade of Pennsylvania is a monopoly in the hands of a few corporations; and, therefore, it is necessary, in order to keep the price within reasonable limit, that there should be foreign competition. But the gentleman had been as much mistaken in this as in other particulars. Mr. B. could not conceive how such an idea had suggested itself to the Senator, unless it might have been from the statement in the memorial to which he had referred, that this coal was brought to the Philadelphia market on three canals which belonged to incorporated companies; and hence, without other information, he should infer that all the coal lands were owned by these companies. It is true this would not be a very logical deduction; but he could conceive of no other reason for the Senator's statement that the coal trade was a monopoly.

What was the true statement of the case? The coal region in Pennsylvania, if not boundless, was sufficiently extensive to be far beyond the reach of monopoly. It had been the subject of immense speculation. It was now held by a very great number of proprietors, all of whom had it in their power to send this article to market. The supply was so bountiful as to place monopoly at defiance. The domestic competition, from the very nature of things, must reduce the price to the lowest point at which the article could be extracted from the bowels of the earth and transported to market, making a reasonable allowance for interest on the capital employed. The Legislature of Pennsylvania had fixed the tolls upon the canals and railroads which penetrate the coal region at reasonable rates; and the Senator himself might, if he thought proper, purchase coal land to almost any extent he pleased, and embark in this business, which he seems to consider so profitable. The value of the coal in the mines most accessible has not been estimated at more than from twenty-five to fifty cents per ton.

The canal between Columbia and the Chesapeake, to which Mr. B. had referred, would be completed in less than two years. This would open a more extensive region of coal lands upon the Susquehanna than all which had yet been brought into use in other parts of the State, and would greatly increase the domestic competition, and the consequent supply in the Eastern markets.

What, then, had raised the present clamor on the subject of coal? He would state the cause. The spring of 1836 was uncommonly backward. The canals continued to be frozen for several weeks later than usual; whilst the winter of that year commenced two weeks earlier. From four to six weeks' business was thus lost, averaging at the rate of 20,000 tons per week. Hence, although the quantity brought to market during the last year was about 140,000 tons more than that of the preceding year, yet it was less by at least 100,000 tons than what it would have been had not these adverse circumstances occurred. This has been the cause of the scarcity, and the consequent high price of the article. This price had been rendered still more extravagant by the opportunity for speculation which this state of things presented, and which had been eagerly embraced. But would it not be a miserable policy for statesmen to pursue, if they should, on account of this accidental deficiency in a particular year, rashly pass a general law to provide for a case which had never occurred before, and he should venture to predict would not occur again? During all the previous years, since this article had been brought into common use, with a single exception, large supplies had remained unsold at the close of the season. In the years 1834 and 1835, the price of coal in Philadelphia ranged between $4 75 and $6 per ton, according to the quality; and if it had now risen greatly beyond that price, the causes have been peculiar and transient. It was confidently expected, from the preparations already made, that more than 900,000 tons would be brought to market during the present year; and if the demand should justify it, this would be increased to 1,200,000 tons in the year 1838.

It would seem that this blow had been aimed exclusively at Pennsylvania; and thus it would be understood by her citizens, notwithstanding any disclaimer which might be made to the contrary. Let such an attempt proceed from what quarter it might, he should be unworthy of a seat there if he did not resist it with all his power. We had frequently been flattered by being told of the patriotism of Pennsylvania, and of her devotion to the Union; but when questions arose affecting her essential interests, we had too often discovered that these compliments were words, mere idle words. An attempt was now made to exclude her most important interest from the benefits of the compromise act, whilst all other

domestic interests should remain protected; and we would now discover, from the vote on this amendment, who were her real and who were her professing friends. And here he would tender his thanks to the Committee on Finance, whose bill now before the Senate did not embrace a reduction or repeal of the duties on this article.

Mr. B. deplored the condition of the poor in our large cities, at this inclement season of the year. He sympathized with them in their sufferings, and would gladly afford them relief, if it were in his power. But would the amendment accomplish this object? Before it could possibly become a law, and any supply of foreign coal be received, even from Nova Scotia, our canals would be again open, domestic coal would pour in upon them, and the price would be reduced, never again, he trusted, to rise beyond its fair value. If he believed the present high price would continue, he might himself be strongly inclined to vote for a reduction of the duty.

Whilst from his heart he regretted the sufferings of the poor in our commercial cities, it was his duty not to forget the interests of the same class who are engaged in the interior in conducting the coal trade. The coal in the mine was not worth more than from twenty-five to fifty cents per ton. All the additional value of the article arose from the wages of labor, from the price of freight and commissions, and from the tolls upon our canals and railroads. The number of laborers employed in this business was very great, and increasing every year. Their rights ought to be protected, as well as those of other citizens. To throw them out of employment for the benefit of foreign labor would be both cruel and unjust.

There was another view of this subject, well worthy of our consideration. The coasting trade in coal, of which our countrymen enjoyed the monopoly, promised in a few years to become almost as great a nursery of seamen for our navy and commercial marine as the same trade now was in Great Britain. Already, during the last year, there had sailed from New York and Philadelphia five thousand vessels laden with this article, whose freight amounted to more than a million of dollars. This trade would soon be able to protect itself, unless you arrest its progress by rash and imprudent legislation. All we ask is, that you shall let us alone. In that event, you will protect your marine, and raise up sailors who will carry your flag in triumph over the world.

Mr. NILES said that he had but a word to say in reply to the honorable Senator from Pennsylvania, having already detained the Senate longer than he intended. He did not perceive that the Senator had denied his facts or answered his arguments. He was mistaken in the assertion that the whole argument in the report of the Committee on Manufactures rested on the assumption that the duty on coal had not been imposed for the protection of the domestic coal trade; that point was only incidentally touched upon in the report, and formed no essential part of its argument. The basis of the argument in the report was, that the coal interest had no need of protection; that it was sufficiently protected by the nature of the business, and that it was unjust to impose a high rate of duty on one of the first necessaries of life, for the purpose of protection.

Another important argument in the report was, that the coal trade was a monopoly in fact, and that it was unjust and dangerous to take away foreign competition from a business which was in the hands of a few large companies, and protected from all competition at home. The Senator had denied that the coal business is a monopoly, yet he had stated no facts to prove the assertion, unless it was the general one, that the coal region extended over a large district of country, and that it was impossible it could be monopolized by a few companies. But he (Mr. N.) did not say that the whole coal region was monopolized by a few companies, but only that the coal business was in the hands of a few wealthy corporations, who managed to control the supply and the price. The Senator had stated that these companies had expended thirty or forty millions of dollars in canals and railroads; which proved that, however extensive the coal district might be, the business could not be carried on without an outlay which could only be encountered by wealthy companies. Instead of proving that this business was not monopolized and controlled by a few corporations, the facts stated by the honorable Senator tended to show that it was; they were in confirmation of what he (Mr. N.) had maintained.

Mr. WEBSTER observed that it had been very truly stated that coal was, in this country, a necessary of life; and an argument had thence been drawn which was capable of producing a very erroneous impression in the community, to wit, that the interest of the poor required the interposition of Congress to remove the duty now levied on its importation. Mr. W. said that, considering what had been the former course of Congress on this subject, it was as clear a proposition as could be stated, that the interest of the poor required the continuance of the tax. If he were not convinced of this, he certainly should not be in favor of retaining it. Whether we looked to the debates of the convention, or to the earliest acts of the Federal Government, we should perceive that it was admitted to be proper and necessary to levy a duty on imported coal. One of the very first articles enumerated in the first revenue law was foreign coal. The protection of the domestic article was warmly advocated, at that time, by the Virginia delegation, as an obvious duty of the new Government; for, although all duties had had revenue as their main object, yet, ever since 1824, many of them had been continued for other purposes, and, among the rest, this duty on coal. Mr. W. had voted against retaining it; but, from that time to this, the duty had retained its place in the law, on a presumed pledge of protection to such of our own citizens as were engaged in furnishing coal from the mines of our own country. A large amount of capital had been invested in machinery and wages, and also in the construction of canals and railroads, leading from the mines towards places of deposite or shipment. An examination would show that the sum thus invested was not less than forty millions of dollars. What, then, was the proper course to be pursued, with a view to bring down the price of coal? American coal was not the only fuel of this kind in market. It stood alongside of the imported article, and there was a fair competition between them. Was there any thing so effectual in reducing the price as a fair and free competition? Here the skill and industry of our own and of foreign nations competed for the market; and if any thing was likely to reduce the price of this necessary of life, and thus to benefit the poor, it was this. That taking off the duty would reduce the price was perfect nonsense. The effect would be just the reverse.

Mr. W. observed that it was this continual bringing forward of propositions to alter the most settled features of our policy which was, in practice, so injurious to American industry and enterprise. In illustration of this remark, Mr. W. observed that it was not long since a very curious debate had taken place in London, at a meeting of the creditors of the late Duke of York. Among other items of his property was a great coal mine in Nova Scotia. Certain trustees of the estate had been directed to work it. The question with the creditors was, whether the working of this mine should still be prosecuted, or what should be done with it. On inquiring of the trustees, those gentlemen stated that the mine was now not very productive, but that the policy of the American Government, in relations to duties, was

vacillating and uncertain; that very soon the protecting duty on foreign coal would probably be taken off, and then they would have the entire American market. The proposition of the honorable Senator from Connecticut was calculated to hasten this state of things, and to justify the calculation of these British trustees. So it seemed that the motion of the creditors of the Duke of York was to aid the poor of the United States! The effect would be found directly the reverse. The repeal of the duty would be immediately followed by an increase of the price of the article.

The speech of the honorable Senator seemed to proceed on the assumption that Pennsylvania alone was to be affected by the measure proposed; but such was by no means the fact. It was very true that Pennsylvania was largely interested. She possessed extensive coal mines, and large amounts of capital had been invested by her citizens in this branch of enterprise. But the mountains of Maryland were as rich in bituminous coal as those of Pennsylvania were in the anthracite. Why had the Government subscribed so largely to aid in the construction of the Chesapeake and Ohio canal? Was it not expressly with a view to reaching the extensive coal beds near Cumberland? That canal, when completed, would be possessed of great facilities, and, in some respects, would have the advantage over the canals of Pennsylvania, because it would not be frozen so early in the season. Congress had done this partly with a view to securing their own supply. It was said, indeed, that the freight on coal was very large; but every body knew that, while our exports were cumbrous, coal was brought back partly as ballast. Vessels which took out cargoes of cotton brought coal, as they brought salt, on their return voyage, and at very low rates, so there was no great protection to our own miners in that respect.

Mr. W. said he objected to this breaking in upon a course of long-established and settled policy. This item of coal presented one of the clearest cases in the whole list of protected articles. It stood on as firm ground as woollens themselves, because the business of supplying it to the home market could not be carried on without great investment of capital. That investment had been actually made. The enterprise was in a course of successful operation, and the ultimate effect must be the supply of this important article of fuel at the cheapest practicable rate. The fears of monopoly were groundless; the canals were open to all—so was the mountain property; and it was abundant in Pennsylvania, in Virginia, and in the States on both sides of the great mountain range. And, if any reliance was to be placed on information received, the article could be furnished in abundance, with a reasonable profit, and at a cheap rate. Under these circumstances, would it be wise in Government to interfere? No complaint had been heard till within one season past; and because there was, at this time, a temporary pressure, was it worth while to raise the cry of the poor against the rich, and thus to destroy a branch of industry which was itself, and in its consequences, an invaluable boon to the poor? Was this a long-sighted policy? He thought not; and it was evident the Committee on Finance had thought not, for they had not inserted this item in the bill. Mr. W. said this protecting duty on coal stood upon a just foundation; it was subject to the gradual operation of the act of 1833; and ought not to be meddled with. This was no case in which the abuses of "regraters," "forestallers," &c., called for the interposition of the law. The trade was free and open to all; coal lands were cheap, and in market every where, but it required the outlay of some capital to turn them to account. If this perpetual cry against every thing which required capital, and this crusade against all who possessed it, was to be indulged, how could the internal improvement of the country ever go on? The nation, while surrounded by all manner of natural advantages, must sit down content to be poor. Was it not manifest, where few were very rich, that any thing which carried on the work of supply must be accomplished by combination and the collection of capital? If the Government were resolved not to leave the enterprises of our citizens to the effect of fair competition, but would perpetually interpose, under the false notion of protecting the poor, great results could never be produced. The Pennsylvania canals have been decried as a monopoly. They were not a monopoly. Some of them belonged to the State, and, with a wise and liberal policy, she had thrown them open to all. Since the Government had, by its own acts, invited this investment, would they not consent to let well enough alone? He was not willing to turn accidents, or mere transient and temporary difficulties, into the grounds of continuous usage. He wished to see other avenues opened to the mountains as well as those of Pennsylvania. He held that the true interest of the community in relation to this supply of coal, and in consideration of the present state of things, was to let those who had embarked in the business go on, till competition between them should, by its natural operation, bring down the price to its minimum. To that point it was fast hastening; and when that had been reached, it would be time enough to consider whether any other and further legislation upon the subject was necessary. Mr. W. was opposed to the amendment.

Mr. NILES remarked that he was surprised to hear it asserted that the poor had no interest in this question; he thought they had a deep interest. [Here Mr. WEBSTER made some explanation.] The gentleman says not much interest; that does not essentially vary the assertion. He thought they had an important interest—more than that of any other class. He (Mr. N.) had supposed that it was their true interest to have the price of fuel low; but it would seem that the honorable Senator thought that their interests would be promoted by keeping up the price. Are high prices of the necessaries of life to benefit the poor? Mr. N. could not understand this, nor the reasoning by which such a proposition was sustained. It seemed that the poor have not been able to take this enlightened view of their own interests; and he wished to remind the honorable Senator that the attention of the Committee on Manufactures had been called to this subject by a memorial signed by one or two thousand of the Senator's own constituents, comprising, he presumed, a large portion of the laboring class and poor of Boston, who probably do not understand their own interest as well as their representative here, or they would not have petitioned for a repeal of the duty on coal. They doubtless supposed that their interest lay on the side of reduction; but it seems they were mistaken, and that their true interest consists in keeping up the duty. The Senator has informed us that the coal duty was proposed by a gentleman from Virginia, and was at first five cents per bushel. He is entirely mistaken in one of his facts, as he would have learned had he read the report, or attended to what he (Mr. N.) had stated; and whether he was equally accurate in his other fact, Mr. N. could not say. The coal duty, instead of having been at first five cents, was but two cents the bushel; the next year it was raised to three; afterwards to four and a half cents; then to five, and finally to six cents. It might be true that the duty on coal had been first proposed by a gentleman from Virginia; but, from whatever quarter it may have come, it was perfectly clear it was a duty for revenue only, down to the year 1824. It might be true, but it appeared a strange statement to him, that a duty for protection had originated from Virginia; he had always supposed that State had been decidedly opposed to the tariff principle, at all times and in all its forms.

Mr. N. said that he repudiated the doctrine that taxes on the necessaries of life ever were, or ever could be, beneficial to the laboring classes or to the poor. On the contrary, he believed them to be unreasonable; and, when high, to be unjust and oppressive. This was the case of the present high duty on fuel, which, in its operation upon the poor in our cities, was oppressive, cruel, and inhuman. Taxes on necessaries must raise the price of labor, as the laborer is worthy of his hire, and must at least have a living; if he is starved, he cannot work. The true policy of wise legislation is to lighten the burdens of labor, instead of taking from it the "bread it has earned." In all legislation affecting the great interests of the country, whether in Congress or the State Legislatures, there has been a tendency to favor capital rather than labor; to benefit the few rather than the many. It is not difficult to discover the causes of this. It is the few controlling capital who exercise an influence over both the national and State Legislatures. They have leisure, money, and intelligence, which, combined, enable them to exert an influence that they are not entitled to from their numbers. Capital is, in itself, an active element of political power, which is constantly exerting a potent influence over the legislation of the country, and is ever vigilant to obtain advantages. But labor, although the real source of wealth, and that which alone gives to capital its value, never seeks aid from legislation. Who ever knew the laboring portion of the community to come before Congress or the State Legislatures, asking for laws to be passed to benefit them? They are content with protection, and ask only for just and equal laws. In any question between capital and population, (Mr. N. said,) he should go for population. Not that he would injure capital, or impair any of the rights which naturally and properly belonged to it; but he would endeavor to counteract its constant efforts to endow itself with factitious advantages, through the aid of partial and unjust legislation.

Mr. N. said that these were his general views on this subject; yet he presumed that the honorable Senator from Massachusetts knew the interests of his constituents much better than he did, and he was therefore bound to believe that the poor and laboring classes of Boston were interested in keeping up the high rate of duty on coal, notwithstanding a large portion of them had petitioned for its reduction.

Mr. PRESTON heartily commended the zeal of the honorable Senator from Connecticut. His own feelings had been greatly touched, on taking his seat at this session, by the strong representations presented here of the condition of the poor in our great cities, many of whom, it was said, were actually perishing with cold. So strong was his sympathy with these unhappy sufferers, that, were his hands untied, he would move an amendment to the amendment, making foreign coal wholly free from duty. He had been much amused in observing the course of four different chairmen of committees in regard to the tariff. The chairman of the Committee on Foreign Relations, the chairman of the Committee on Finance, the chairman of the Committee on Naval Affairs, and the chairman of the Committee on Manufactures, were all dissonant from each other on that subject. Yet the political horoscope had been gladdened all over by the annunciation that the tariff party was down, and that a different party, advocating a different policy, had now come into power.

The great question with those of the South was, what is the future to be? And in pondering that question, was the present debate very well calculated to show that this Government in future was to be anti-tariff? Or did it not, on the contrary, very clearly show that each man would seek his own? The industry of Connecticut was diffused through all the branches of manufacture. Pennsylvania had a deep interest in coal. Virginia, too, had some special interest in the coal trade, yet was anti-tariff. Pennsylvania, though she had long been, and ever would be, thoroughly tariff, sustained the powers that were. The Senator from Virginia had risen, and warmly vindicated the course and character of the future President; and the Senator from Connecticut was a zealous friend of the administration, yet the latter now avowed himself to be thoroughly tariff at the very moment he was proclaiming that the party in the ascendant was anti-tariff in its policy. What Mr. P. had heard to-day went still further to increase his distrust of the future as to this matter of the tariff. All the gentlemen were in favor of reducing the revenue, and they all agreed that half a dozen protected articles ought to be stricken out; but then the honorable Senator from Connecticut was altogether unwilling that this reduction should be made on the manufactures of Connecticut. He went for reducing the protection on the products of Pennsylvania. So the Senator from New York proposed a reduction on articles made in Massachusetts. The Senator from Virginia was willing it should be made any where, until you came to the tobacco of Virginia. Thus it appeared that the South must still pay black mail to some one or other of them for protection against the rest. They still shifted the burden upon each other, and passed the threat around—if you attack our interests, we will attack yours; if you go against the coal of Pennsylvania, we will tear down the woollens of Massachusetts; but if you touch the woollens, we will turn upon the tobacco. Thus it seemed to be a losing game all around; in the mean while, the South stood smiling by, hoping it might prove a Kilkenny fight. At length, these combatants take wit in their anger, and compromise the matter. They discover that it is very wrong to touch coal; it must not be done. And it is equally wrong to attack woollens; so that must not be done. And thus, by degrees, they all become friends, and leave the South to pay the piper.

Mr. P. regretted that the position in which he stood would not permit him to vote for the present amendment. The honorable Senator from Pennsylvania represented a great manufacturing interest. His was a great State, which, when united with Virginia, was good for a President. She had in turn put one out and kept another in. Now, Pennsylvania was irreclaimably tariff, and Virginia as decidedly anti-tariff. Accordingly, they had agreed to put in a President who should stand, like a great Colossus, with one foot on tariff Pennsylvania, and the other on anti-tariff Virginia, while the little States might crawl about betwixt his huge legs, and seek them out dishonorable graves. Mr. P. well knew that these States would not change their policy. The administration could not advance one inch towards a reform of the tariff, without touching the vital interests of Pennsylvania. But if Pennsylvania would stand out of the way, then indeed the new President was pledged for a final reformation in the system. The moment Mr. P. should have a satisfactory assurance that it was the general understanding that South Carolina was not bound by the compromise, he was then prepared to exert his strength to the very uttermost in battering down the protective policy, piece, by piece, till the whole system was laid prostrate.

Mr. WEBSTER now rose, and, not without some warmth of manner, observed that he should not have entered further into the present debate, if the member from Connecticut had not (as unfortunately he too often did) both misunderstood and misrepresented it. The member had represented him as saying the reverse of what he did say. That gentleman had quoted him as asserting that the poor had no interest in the reduction of the price of coal, whereas he had said exactly the reverse.

The honorable member seemed to be in the habit of framing remarks for others, and then commenting upon them. Mr. W. had expressly declared that if he thought the interest of the poor would be promoted by reducing this tax, he would vote for its reduction; and that he was opposed to it only because he believed that the true interest of that class and of every other class in the community required that the Government should keep its hands off from the subject entirely. Mr. W. had again and again declared that he did not mean to advocate the cause of the rich in opposing this reduction, because he believed that keeping on the tax would eventually bring down the price of the article to the poor. The member did not meet this argument. He did not contradict it, but stalked around it while he talked about monopolies, and the influence of rich men on the legislation of Congress. Mr. W. did not doubt that the object at which the Senator meant to aim was to make coal cheap; and did he not understand that this too was the aim of Mr. W.? And how, then, could he impute to him the design to protect the capitalist, in derogation of the laborer; to advance wealth and disregard numbers? He hoped they should all in future endeavor to state each other's arguments with at least some degree of fairness. Coal was a necessary of life to all; to the poor as well as to the rich. The object to be attained was to get it as cheap as possible. The existing state of things had grown up under laws passed fifteen years ago; and the question was, whether, under that state of things, the proposition of the member from Connecticut would, in its practical result, lower the market price of this species of fuel. The member thought it would. Mr. W. thought otherwise, and had given reasons for this opinion, which he hoped were not altogether contemptible, and such as did not rightfully expose him to the charge of advocating the interests of wealth against labor. His argument had been briefly this: Here was a large capital actually invested in roads, canals, and machinery, the effect of which would, in a short time, make coal abundant, and thereby make it cheap; while, in the meanwhile, the foreign supply was not wholly excluded, and enough would be imported by competition to keep down the price. The honorable member thought that Congress, by taking off this tax, would give the exclusive power of keeping up the price to American producers. Mr. W. differed in opinion. He thought that, by taking off this tax, they would give that power to British producers, and make our citizens the victims of their extortions. Did not rich men as well as poor make use of coal as fuel? Was it not their interest to have fuel cheap as well as the interest of every body else? Ah, but the member was for the protection of labor. Very true. And Mr. W. insisted that the protective policy of the United States was aimed point blank at the protection of labor. Did not the poor of our cities warm themselves over coal fires? What glowing pictures, or rather what shivering pictures of suffering had been presented to the Senate in the eloquent descriptions (if he thought them eloquent) of the honorable gentleman from South Carolina. But was not the laboring class in our cities the very first who received the protection of this Government? The first demand of a constitution was for their protection. It had been the operatives spread along the Atlantic coast whose voices brought the constitution into being. It was not the voices of Hancock, of Adams, but of Paul Revier and his artisans, which most efficiently advocated the movement for independence. It was the pouring in of a flood of foreign manufactures that gave the first impulse toward the adoption of a constitution for our own protection; and had not the labor of our whole country been protected under it to this day? Had not the laboring classes of the United States their life, and breath, and being, under that instrument? Take off the protection which it extended to the hatters, and the shoemakers, and the whole class of mechanics who worked in leather, and see what would be the result. Go to the gentleman's own State, and take off the duty on tin ware, and he might possibly hear the tinkling of that argument. Three cents on every coffee pot! What would the member say to that?

But it became enlightened legislators to take a different view of this subject. The true way to protect the poor was to protect their labor. Give them work to protect their earnings; that was the way to benefit the poor. Our artisans, he repeated it, were the first to be protected by the constitution. The protection extended under our laws to capital was as nothing to that which was given to labor; and so it should be. Since, in the year 1824, I stood upon this ground, I have retained the same position, and there I mean to stand. The free labor of the United States deserves to be protected; and, so far as any efforts of mine can go, it shall be. The gentleman from Connecticut tells us that coal is a bounty of Providence; that our mountains are full of it; that we have only to take hold of what God has given us. Well, sir, I am for protecting the man who does take hold of it; who bores the rock; who penetrates the mountain; who excavates the mine, and, by his assiduous labor, puts us into the practical possession of this bounty of Providence. It is not wealth while it lies in the mountain; it is human labor which brings it out and makes it wealth. I am for protecting that poor laborer whose brawny arms thus enrich the State. I am for providing him with cheap fuel, that he may warm himself and his wife and children.

I observe that the very next item in the bill is one connected with the woollen factories in Connecticut. Will the honorable member go against all protecting principles? Will he talk to us on that item as he has done on this? Does not the poor man wear a cloth coat? Does he not want a great coat in cold weather? And is not that cloth taxed, and taxed for the benefit of Connecticut, and for the capitalists of Connecticut? Is cloth no necessary of life? Will the member draw us as fine a picture of the poor man shivering for want of a great coat of Connecticut cloth, as for want of a fire of Pennsylvania coal? Sir, the man who catches hold of a little idea here and a little idea there, and holds these out to us to show that a great line of national policy is unjust, takes a view, in my apprehension, too little comprehensive. We must not tax the fuel with which the poor man warms himself, because it is a necessary of life; and pray what will the honorable member do with bread? Is not that a necessary of life? and will any man here rise in his place, and move to take off the duty on wheat? Are not thousands of bushels imported from Europe? Does not the poor man pay the tax on it? And again I ask, will the honorable member bring in a bill to take off the duty on wheat? There is a duty on brown sugar. Will he move to repeal that? If he will comprehend all the items included under the same principle of economy, it will show at least some consistency. But to select this article of coal, and have us make it free because it is a necessary of life, while he advocates a tax on other things equally necessary, is to act with no consistency at all. I know very well that many of the citizens of Boston have applied to have this tax diminished; and if I thought it could with propriety be done, I would cheerfully do it. Some petitions, too, have been presented from one of our fishing towns; but they ought to remember that all bounties on the fisheries, as well as this duty on coal, rest upon one great basis of mutual concession for the protection of labor, and for the benefit especially of the operative classes of society. And whoever says that this is a system which goes for capital against the

poor, misrepresents its advocates, and perverts the whole matter, from A to Z.

There are many other views which belong to the subject, but I will not now prosecute the argument. My object is to make coal cheap—permanently cheap; cheap to the poor man as well as the rich man; and to that end we shall arrive, if the laws are suffered to take their course. But to meddle with them, in the existing state of things, is the very worst thing that can be done either for poor or rich.

Mr. BUCHANAN said he had not intended to add another word; indeed, after what had fallen from the Senator from Massachusetts, it would be labor lost. But he did not choose that his remarks should be misapprehended; that they would be misrepresented by the Senator from South Carolina, [Mr. PRESTON,] he did not for a moment imagine. He had made no professions of being either a "high" or a "low" tariff man; nor had he said that he was "irreclaimably tariff."

[Mr. PRESTON explained. He had not stated that the honorable Senator from Pennsylvania had said so; that was merely the statement of Mr. P's own apprehension of the fact.]

The Senator had further said that Mr. B. was "permitted" to get up here and state the principles he held in relation to the tariff. Permitted! Permitted by whom?

[Mr. PRESTON again rose to explain. He had, as he supposed, fully explained in what sense he meant to be understood. There were certain questions on which those who belonged to the same political party were permitted, by a general understanding and concert of that party, to hold different and even opposite sentiments, without thereby forfeiting their connexion with the party, or good standing in it. He meant nothing more than this. He understood the tariff to present one of these open questions. The phrase was common in parliamentary usage, and well understood. He had used it in no personal or offensive sense.]

Mr. BUCHANAN resumed. He had not understood the honorable Senator to mean to apply it in a sense personally offensive. Yet it was very grating to the ear to hear the Senator from South Carolina rise in his place and declare that Senators from Virginia, New York, and Pennsylvania, were permitted to advocate contrary doctrines on the subject of the protective policy of the country. Mr. B. was "permitted" by no man to utter his sentiments on that floor. He asked the "permission" of no party or individual to advocate the interests of his State on the floor of the Senate. He knew of no such party trammels. The party to which he belonged were not so drilled. He pursued his own course, according to the dictates of his own judgment. The Senator from South Carolina occupied a singular position. He rose up and attacked the duty on imported coal, and persuaded all others to vote against it; and yet held it his duty, while looking one way, to row another. Of what did the honorable Senator complain in this matter? Was there any attempt to disturb the compromise? Was this item of coal in the bill reported by the Committee on Finance? So far as that bill went, was it not a boon to the South? If Northern Senators chose to reduce the taxes, what cause of offence was this to gentlemen from the South? When the attempt should be made to violate the compromise, then it would be time enough for them to complain. What he had said was this: That, from the debates in the Legislature of Pennsylvania, they seemed disposed, in good faith, to try the effect of a compliance with the compromise of 1833. They would not, at all events, be the first to interfere with it. Many of them did believe that a duty of twenty per cent., when taken in connexion with cash payments and the system of valuation at our own ports, would, in practice, prove a sufficient protection to the manufacturing interest. However, he should not now launch into a tariff discussion. This was not the proper time or the fit occasion for doing so. When the time did arrive, he would, with all the frankness for which he hoped he had some credit with the Senate, state what were his views on that subject. He had intended to have added some other remarks, but it was growing late, and he would forbear.

Mr. PRESTON followed, in fuller explanation of what he had before said as to the tariff being an open question, and in regard to the obligation imposed by the compromise act.

Mr. NILES repelled the charge made against him by the Senator from Massachusetts [Mr. WEBSTER,] of having misrepresented him. He said that the honorable Senator had taken the liberty to charge him with having misstated his remarks; and he had made the charge in such a manner as to show that he considered he had been intentionally misrepresented. The gentleman had said that he (Mr. N.) was in the habit of misrepresenting the remarks of others. He would not stop to inquire whether a charge like this was parliamentary or decorous, as it was his intention to repel it as unjust and untrue. He wished that Senator to understand, once for all, that he (Mr. N.) was not in the habit of misstating or misrepresenting his remarks, or those of any other member of the body; neither had he been complained of in this respect by any one but the Senator himself. He was as liable to misunderstand what was said by others as any one; but he was incapable of intentionally misstating their remarks. It seemed that he misunderstood the Senator on this occasion, although he had listened very attentively to his remarks, and could not be justly charged even with inattention. He understood the Senator to say that the poor had no interest in this question; and when he rose to explain, he understood him to say that they had not much interest; but it appears he was mistaken in both instances. He did not perceive, however, that the mistake was of much consequence; for whether the Senator considered that the poor and laboring classes had much interest or no interest in the subject, his remarks went to prove that their interest consisted in maintaining the present high rate of duty. The gentleman and himself were directly opposed on this point, as he believed that the whole community were interested in the reduction of the duty on coal, and especially the laboring classes, who were less able to bear the burdens of the present exorbitant prices of fuel. If the poor have a deep interest in this question, how is their interest to be promoted by a tax of fifty per cent. on fuel? Is that calculated to bring down the price? Or does their interest consist in keeping up the price? He did not understand this matter, and could not learn from the Senator's remarks how he proposes to advance the interests of the poor.

If, as the Senator asserts, all our tariff laws have had a direct tendency to benefit labor, he rejoiced at it; but if such was the case, it did not prove that those laws had been passed for that purpose; and we all know that it was not those interested in labor who had petitioned for them; it was not from their influence, or a regard to their rights, that the tariff system had been adopted. No, sir; it was the interests of capitalists and capital which had originated and sustained the tariff system; and if labor had been benefited, it was only an incidental consequence. Who are they (said Mr. N.) that hang around the halls of legislation, seeking its aid, asking for special and partial laws? Who are they that apply for acts of incorporation, conferring special privileges, to favor particular interests—privileges calculated to give to capital artificial and factitious advantages? Are they not those who control capital?

By whose influence was it that a law was forced

through Congress, soon after the close of the last war, refunding to importers the double duties which had been imposed to carry on the war, when it was well known that those duties had been charged upon the goods, and the whole amount, with large profits besides, had been received in their sales? Was it not the capitalists, the wealthy importers? This partial and unjust law of Congress legislated fortunes into the pockets of hundreds; he knew of some who had been made independent by it. Sir, (said Mr. N.,) it is in vain to deny that all the legislation of Congress, from the foundation of the Government to this day, which has affected the interests of the country, whether commercial or manufacturing, has been influenced by those who control the capital of the country.

Mr. N. said he did not claim to be the special advocate of the interests of the poor and the laboring class; he claimed no more sympathy with the poor than any other Senator felt or ought to feel, not excepting the Senator from Massachusetts. He had no motive, no design, in connecting himself with their interests. He had not dragged them into this debate; he had spoken of them no further than they were directly involved in the question. He had referred to facts, because they belonged to the subject. It was a truth which had not been and could not be controverted, that the coal duty, so far as it operated to keep up the price of fuel, bore with double severity upon the poor, who were compelled for three winters past to purchase fuel at a price one hundred per cent. higher than the wealthy citizens, who were able to lay in a supply in the summer, when the price was down.

Mr. N. said that, being up, he had a word to say to the honorable Senator from South Carolina, [Mr. PRESTON.] That Senator, whose own situation in relation to the bill before the Senate appeared to be not a little embarrassing or perplexed, had assumed upon himself the task of assigning to several of the friends of the administration, including himself, their positions in relation to the tariff and the Executive; and having given each of us such a position as suited himself, he affects to discover something wonderfully strange and marvellous in the matter. The Senator said that the chairman of the Committee on Foreign Relations [Mr. BUCHANAN] was an open, ultra, uncompromising tariff man, and believed in the binding force of the compromise of 1833; that the chairman of the Committee on Naval Affairs [Mr. RIVES] was an avowed, irreclaimable anti-tariff man, willing to disregard the compromise; that the chairman of the Committee on Finance, [Mr. WRIGHT,] who had reported the present bill, although representing a manufacturing State, and the one which contributed to fix on the country that act of abominations, the tariff of 1828, seemed willing to violate the compromise, and to open the tariff question, for the purpose, as he believed, to use it for political purposes; whilst the chairman of the Committee on Manufactures, (Mr. N.,) whom the Senator declared to be an ardent supporter of the dominant party, was the friend of a moderate and judicious tariff, although prepared to vote for the present bill, which violated the compromise. The Senator professed not to understand how those who differed so much on the subject of the tariff could act in harmony and concert in support of the administration. He appeared to think that there was a great mystery in the matter, and that there must have been some understanding; and that the friends of the administration were permitted to disagree on that question, and each one to pursue a course the best calculated to aid the common cause. Mr. N. said that he thought the honorable Senator might have spared the expression of surprise at the want of harmony in the sentiments of the friends of the administration regarding the tariff; for, if he would look to his own side of the House, he would there find the disagreement greater and more inexplicable; he would discover not only ultra tariff men and ultra anti-tariff men belonging to the same party, but he would find them standing side by side in opposition to this bill, and speaking and voting against it; the ultra tariff men opposing the bill as being hostile to the manufacturing interests, and the ultra anti-tariff men—those who brought the Union into jeopardy by their violent opposition to that system—opposing the bill, on the ground that, in its consequences, it would be hostile to the anti-tariff States. In the eyes of the honorable Senator, it appeared to be very consistent for tariff and anti-tariff men to unite in opposing the administration, but very inconsistent for those who differ regarding the tariff to unite in its support.

The Senator says that the chairman of the Committee on Foreign Relations is for adhering to the compromise, and therefore he [Mr. BUCHANAN] is an ultra tariff man; but the Senator from South Carolina [Mr. PRESTON] is himself for adhering to the compromise; and therefore, according to his own reasoning, he must also be an ultra tariff man. Or are we to understand that an adherence to the compromise proves one member to be an ultra tariff man, and another an ultra anti-tariff man? It was a strange kind of logic which, from the same premises, should lead to opposite conclusions. There must be a cabalistical potency in the compromise act, which can convert nullifying anti-tariffites into ultra tariff men.

Mr. N. said, in regard to what the Senator had said of himself and several of his friends, one of the gentlemen [Mr. BUCHANAN] had already put himself right; and the other two [Mr. RIVES and Mr. WRIGHT] were abundantly able to defend themselves, and had no occasion for his assistance; and in relation to himself, he had no particular reason to complain of the position which the Senator had assigned to him. He was a moderate tariff man, decidedly opposed to a high tariff, yet a firm friend of the policy of protecting all the important interests of the country, so far as it could be done by a wise and discreet discrimination in the adjustment of the duties which were required for the purposes of revenue. But what he did object to, and what had surprised him much, was, that he and his friends should have their positions assigned to them in regard to the tariff, by a gentleman who himself occupied so equivocal a position, and who evidently did not know what his own position was.

Mr. N. said he had listened with attention to the eloquent speech which the Senator had made on this bill the other day, and had anxiously sought to discover on which side of the question he was, and to what conclusion, after all his wandering, he would finally come; but he had been unable to satisfy himself. The Senator reminded him much of a blind man, who was feeling his way in the dark, and who, notwithstanding all his efforts, was unable to advance in any direction, but remained in a state of "progressive retrograde, or standing still." The Senator had labored hard to give a party character to this bill, and, in his eloquent appeals, appeared to be attempting to arouse the spirit of some dead party, the life of which had long since departed, leaving only the dead carcass and the name. In a speech on another subject, the Senator had informed us that he considered the constitution as long since dead, but remarked that he would endeavor to call up its ghost, with which he hoped to frighten the Senators into a respect for its principles. Mr. N. said that on the present occasion the Senator, by his eloquent incantations, appeared to him to be endeavoring to call forth the ghost of nullification to aid him in his perplexity; and, if he had succeeded, perhaps that frightful apparition might have scared him from the position he had taken—side by side with the ultra friends of the tariff. During this debate

(said Mr. N.) the honorable Senator, embarrassed and perplexed, and groping his way in the dark, has shifted, twisted, and turned, and wandered about from point to point, and from position to position. He had been at all points in the compass, and now seemed to be at a point not in the compass; and there he would leave him.

Mr. EWING, of Ohio, here moved to adjourn. The motion was lost: Yeas 10, nays 33.

The question was then taken on the amendment proposed by Mr. NILES, for a gradual reduction of the duty on foreign coal, coal screenings, and coke, and decided in the negative, as follows:

YEAS--Messrs. Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Lyon, Niles, Page, Rives, Ruggles, Sevier, Strange, Tipton, Walker—15.

NAYS—Messrs. Bayard, Benton, Buchanan, Crittenden, Davis, Kent, Knight, Linn, McKean, Nicholas, Norvell, Parker, Prentiss, Robinson, Southard, Tallmadge, Wall, Webster, White, Wright—20.

Mr. KENT moved to strike out the article of fancy and other soaps, Windsor soap, and washball; but the amendment did not prevail.

Mr. NILES made a similar effort in regard to common tinned and japanned saddlery; but the amendment was rejected.

Mr. KNIGHT moved to strike out palm-leaf brooms. Here was an article made by the poor, almost exclusively; and if gentlemen wanted to benefit the poor, here was an opportunity.

Mr. PRESTON inquired what duty that article paid.

Mr. WRIGHT replied 15 per cent.

The amendment was rejected.

Mr. KNIGHT moved to strike out the article of button moulds. The motion was negatived: Ayes 16, noes 19.

Mr. CRITTENDEN moved to strike out "all spirits, made of vinous materials, imported into the United States."

Mr. WRIGHT explained that the object of the committee had been to reduce the revenue as far as they could with safety; and, as this article bore a protecting duty of from 53 to 85 cents, they supposed it might be reduced one half, and still be sufficiently high to protect the domestic article made from grain; in which case, without injuring any one, the revenue might be reduced a half million of dollars. He demanded the yeas and nays; which being taken, stood as follows:

YEAS--Messrs. Buchanan, Calhoun, Crittenden, Hendricks, Kent, Knight, Morris, Prentiss, Preston, Robbins, Robinson, Southard, Swift, Tipton, Tomlinson, Webster, White—17.

NAYS--Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, Wright—21.

Mr. KENT moved to strike out the article of wines.

After some remarks by Messrs. NORVELL and SOUTHARD, the question was taken by yeas and nays, as follows:

YEAS—Messrs. Buchanan, Crittenden, Hendricks, Kent, Knight, Morris, Robbins, Robinson, Southard, Swift, Tipton, Tomlinson--12.

NAYS—Messrs. Benton, Brown, Cuthbert, Davis, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Nicholas, Niles, Norvell, Page, Parker, Preston, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, Webster, White, Wright--26.

The bill was then reported to the Senate, and all the amendments agreed to, with the exception of the following:

1. Duty on China and porcelain, earthen and stone ware.

Mr. WRIGHT suggested that, as the Senate was now very thin, although it might happen that a different vote would be obtained from what had been given in committee when the Senate was full, yet it would be better to adhere to the former vote, to avoid a reconsideration or other difficulty when the seats should be full again to-morrow.

To this it was replied, that one Senator [Mr. KNIGHT] had avowedly changed his vote, and another was present now who had not been in committee.

The question on concurring with the Committee of the Whole in the amendment which struck out these articles from the bill (thereby retaining the protecting duty upon them) was decided, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Buchanan, Crittenden, Davis, Hendricks, Kent, Linn, Nicholas, Robbins, Robinson, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, White—18.

NAYS—Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Knight, Lyon, Morris, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Walker—19.

So China and earthenware were retained in the bill, as free of duty.

2. Blankets chiefly used among the Indians.

On this Mr. DAVIS demanded the yeas and nays. He objected to the amendment, as injurious to the interests of several manufactories of blankets established within the United States.

Mr. BENTON, Mr. LINN, and Mr. NORVELL, explained the great difference between Indian blankets and those of a domestic manufacture, and the very decided preference which the Indians expressed for the one over the other, and which precluded all competition from our factories, with what were usually known among them as Mackinac blankets. They were thick, finely woven, and of the finest wool, and impervious to the rain.

After some desultory conversation, the amendment was concurred in by the Senate: Yeas 23, nays 14.

So Indian blankets were inserted in the bill, as free of duty.

3. On striking out cigars. Amendment agreed to: Yeas 18, nays 16.

Mr. DAVIS renewed in the Senate the motion he had made in Committee of the Whole, to strike from the bill olive oil, and demanded the yeas and nays.

Mr. WEBSTER advocated the amendment to take off the duty on this article. While it would afford but a very trifling relief in point of revenue, it went to interfere with the great whaling interest, which it was so important to cherish.

Mr. NORVELL also supported the motion; and the question being taken, it was carried, as follows:

YEAS—Messrs. Bayard, Buchanan, Crittenden, Davis, Hendricks, Kent, Knight, Linn, Nicholas, Norvell, Robbins, Robinson, Southard, Swift, Tallmadge, Tipton, Tomlinson, Webster, White—19.

NAYS—Messrs. Benton, Brown, Cuthbert Fulton, Hubbard, King of Alabama, King of Georgia, Lyon, Niles, Page, Parker, Rives, Ruggles, Sevier, Strange, Walker, Wall—17.

Mr. KENT moved to strike out sulphate of quinine and calomel, but the amendment was rejected; when the question was at length obtained, and the bill was ordered to be engrossed for its third reading by the following vote:

YEAS—Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Webster, White, Wright—23.

NAYS—Messrs. Buchanan, Crittenden, Davis, Hendricks, Kent, Robbins, Robinson, Southard, Swift, Tipton, Wall—11.

And then the Senate adjourned.

SATURDAY, FEBRUARY 25.

Mr. TALLMADGE presented the credentials of the Hon. SILAS WRIGHT, re-elected a Senator of the United States, from the State of New York, for six years from and after the 3d of March next.

LAND LAWS AND DECISIONS.

The following resolutions were offered by Mr. WEBSTER:

Resolved, That the Secretary of the Treasury cause to be prepared a collection of the instructions which have been issued from time to time, either by the Secretary of the Treasury or the Commissioner of the Land Office, excepting only such as refer exclusively, both in principle and application, to particular or individual cases, together with the official opinions of the Attorney General on questions arising under the land laws.

Resolved, That the Secretary of the Senate cause the general public acts of Congress respecting the sale and disposition of the public lands, together with the instructions and opinions mentioned in the foregoing resolution, to be printed for the use of the Senate.

In offering these resolutions, Mr. WEBSTER said it was his object that the general acts, the instructions given under them, and the official opinions of the Attorney General on questions arising in the administration of these laws, should be collected and published, and made available to all. These instructions and opinions are in manuscript. They are only known at the Land Office, and may govern questions arising there without any means, on the part of those interested, to possess themselves fully of their character and contents. The laws, although contained in the two volumes commonly called the volumes of the Land Laws, were yet mixed up with such a mass of treaties, ordinances, and private acts, that it is not always easy to bring them together, or to get a connected view of their provisions.

The subject was getting to be very important. Interfering claims were constantly arising, especially under pre-emption acts; and it was understood that an appeal, in these cases, lay to the Commissioner or to the Secretary of the Treasury. The Land Office was thus becoming an important judicature; and it was essential that its course and its rules of proceeding should be known. Interesting rights were decided by it, and it became Congress to look into its proceedings, and to see that the laws were openly, fairly, and ably executed. The first step to reach this end was to make public, in some accessible form, the instructions and opinions under which the land officers acted. Any further provisions to insure a proper administration could then be adopted, which Congress should judge necessary, if, indeed, any should be thought necessary.

The resolutions were agreed to.

REDUCTION OF THE TARIFF.

The bill to alter and amend the several acts imposing duties on imports (for reducing the duties) came up on its third reading and final passage.

Mr. SOUTHARD, having called for the yeas and nays on the question, proceeded at some length in opposition to the bill, and especially those portions of it which affected the arrangement of the compromise act of 1833, urging that the duty on sugar ought as much to be repealed as the duty on salt; that the bill would favor the rich far more than the poor; and that the faith of the country, as well as high individual interests, required that the provisions of the compromise tariff act (so called) of 1833 should not be violated.

Mr. CLAY addressed the Senate nearly as follows:

I wish, before the passage of this bill, to submit a few, and only a few, remarks to the Senate. It has been my desire to have taken a more active part than I have done in the discussions it has occasioned; but, feeling myself worn down by perpetual sitting, and being affected, besides, by the prevailing influenza, which disables me from attending at night, on account of the state of atmosphere produced by the multitude of lights in the chamber, I have been constrained to sit silent until now. The question I understand to be on the passage of the bill. In regard to many, and, indeed, to most of the articles it enumerates, I have no objection to the repeal of duties proposed; and had it contemplated the action of the Senate on those articles only, it would have received as hearty a concurrence from me as from any of its most zealous supporters. But, beside the items of this description, it has been deemed proper to insert various others, which cannot be touched without a violation of the compromise law of 1833. If the question turned on this bill alone, much as I regret the probability of its passage, my regret would be less but for the declarations which have been openly made by the chairman of the Committee on Finance, [Mr. WRIGHT,] who has told the Senate that he considers himself as much at liberty to look into the list of articles protected by a duty above 20 per cent. as among those below that rate, to find proper objects for the reduction of the revenue. He feels on this subject no restraint, no obligation whatever, from what is supposed to be the pledged faith of the country to the compromise act. A declaration like this, coming from so high a source, has great weight. But, whatever may be its intrinsic importance, it does not stand alone. Another Senator, the chairman of one of the standing committees of the Senate, whose absence at this moment I regret, because I wish to report his words correctly, a gentleman than whom none is more favorable to Southern interests, and whose sagacity and influence have produced a great effect within his own State, has avowed it as his settled aim, not suddenly, but gradually and surely, to eradicate every vestige of the protective system from our national code. From another quarter, (to which I am compelled to refer,) we find an analogous declaration—nay, one which goes still further; for the Senator proclaimed that he never had felt, does not now feel, and never will feel himself bound, in the slightest degree, by the act of 1833; but, on the contrary, is at entire and perfect liberty to reduce or augment the duties of our tariff, as he may judge expedient. When I see a measure like that before us, accompanied by such declarations from members of unbounded influence on this floor, I cannot doubt that it is the purpose of the administration to strike every vestige of the protective system from the statute book.

The present signal prosperity of our country is attributable to two causes: the success of the cotton interest at the South, and of manufactures in the Northern and Middle States. These interests are intimately blended. If the manufacturing interest at the North could be annihilated, there would be a destruction of the demand for three hundred and fifty thousand bales of the cotton of the South; and if that quantity were thrown upon the foreign market, the inevitable effect would be a ruinous reduction in the price of that staple. As to the policy which has produced this state of prosperity, my convictions have been long since formed, and still remain unshaken. When I look at the diversified interests and pursuits of our people, and the impossibility of the largest portion of them supplying themselves with foreign articles of manufacture, for want of those necessary exchanges which alone can bring them into the country, it has always appeared to me, and still does appear, necessary to protect the industry of our own country. But the best friends of the protective policy never intended that that policy should be perpetual, though the acts establishing it were unlimited in point of time. All who advocated the system went upon the ground that, after

a certain time, (the precise period they did not attempt to fix,) our domestic manufactures would become so thoroughly fixed and permanently established that they would bear the competition of rival products from abroad.

When this administration came into power, it made warm professions of friendship to those who were the advocates of this policy; while, at the same time, it held out hopes to those on the other side of a complete subversion of the system. In regard to those professions, I do not wish, on so solemn an occasion as I apprehend this to be, to say a word which may injure the feelings of any gentleman. I must be permitted, however, to observe that I felt some distrust of their sincerity. I thought I saw a course marked out which must lead to the utter and entire destruction of the protective system. The great question so long agitated between different portions of the Union has not been whether, in laying a bill for revenue, the Government may not levy a duty which gives incidental protection to the industry of our own citizens, for this none will deny; but whether such protection is, in itself, a proper and legitimate object for which taxes may be laid. The friends of the protective policy have always maintained the latter proposition. But if the present bill is to pass, and the principles avowed by its advocates are to be carried out, the consequence will necessarily be, that the whole grounds on which the protective policy rests must be abandoned, and the country given over to that vacillating course which leaves to industry and enterprise nothing sure and stable—nothing on which the public can calculate with the least security.

Entertaining these views in regard to the administration, I saw, in 1832, that a great crisis had arisen. I saw, on one hand, that we were menaced with a speedy destruction of the entire protective system; while, on the other, I beheld one member of the confederacy then on the very verge of civil war, and felt persuaded that, if that war should once be commenced, all the other Southern States would infallibly be drawn into it. For the double purpose, then, of saving the protective policy from destruction, and saving this Union from the horrors of civil war, I deemed it necessary to bring forward that healing and tranquillizing measure, in regard to which there has been so much misconception and misstatement in the course of the present debate. That measure, whatever of value or of error it may possess, originated entirely with the individual who is now addressing the Senate. At the time of its conception he was not in the city, but in Philadelphia, whither he had retired for three weeks. While there, he was called upon by a committee of manufacturers, who disclosed to him their apprehensions of the imminent danger to which the tariff system was exposed, and who asked, with anxiety, what was to be done; whether no measure could be devised to save the manufacturing interests from the ruin with which they were threatened. It was to these individuals, and not to his friends in Congress, that he first applied to know whether, in their apprehension, a long lease of the protective policy, even though on a lower scale, would not be better than the uncertain state with regard to it in which they then were. To this question not a single man (and he put it to the most intelligent individuals) hesitated for a moment to reply in the affirmative. He afterwards conferred with other manufacturers, and found that they concurred in the same view. He then communicated with his friends in both Houses of Congress; and among these he found a diversity of sentiment. Some assented to the position; but, in a consultation which was held, it was not generally agreed to. Fortified, however, as he was by the opinions of practical manufacturers, and knowing that the great evil which they had most cause to dread was vacillation, and that what they most wanted was certainty and security, and finding so great a division of sentiment among his friends in Congress, he acted (as he always had done) on his own independent and settled conviction of what was right, and accordingly introduced the bill. I never (said Mr. C.) had any interview or conference with any Southern Senator prior to its introduction. Afterwards, indeed, those conversations took place, which naturally resulted from the effort on my part to bring other gentlemen to my way of thinking, and, on their part, to do the same with respect to me. The result was, that, in almost every instance, gentlemen from the South were induced to come up to the support of the measure, with but very slight variations. On one very important feature of the plan, however, (I refer to the home valuation as a standard of taxation, instead of the valuation in foreign ports,) I ascertained that there would be a determined opposition on the part of the South; and so unyielding did I apprehend that opposition to be, that I came to the House at eleven o'clock, under a full conviction that Southern gentlemen would not give way, and that the bill would, in consequence, be lost. But the gentleman from South Carolina, [Mr. CALHOUN,] who considered himself, on that occasion, as representing the great Southern interest, (for a Senator from Virginia had declared in committee that whatever would satisfy South Carolina would satisfy Virginia,) rose, in a manner very agreeable to me, and stated that he would waive his objection to the bill, accompanying that statement, however, with a declaration that he did not hold himself bound by the proposed compromise so as to preclude him from the free exercise of his judgment on a future occasion.

This (said Mr. C.) is the history of that bill. All that has been said about its having been concocted by the joint efforts of the Senator from South Carolina and myself is absolutely without one particle of truth. My first communication, as I have stated, was with the manufacturers; I then submitted the plan to the late Mr. Johnston, of Louisiana, and to the Senator from Massachusetts, [Mr. WEBSTER.] The former, on consideration, gave his assent to it; the latter never did; but I was so supported by those who thought themselves well acquainted with the wishes and the interests of the manufacturers, that I felt it my duty to bring forward the measure, notwithstanding his dissatisfaction, openly expressed.

Such having been the origin of the bill, let me ask for a moment what were its provisions? The first and great purpose I proposed to myself (a purpose which must be effectually destroyed if the present bill shall become a law) was to withdraw the protection of the manufacturing industry of the country from all connexion with politics, and let it flourish unaffected by the vacillations of political contest. The bill then provided a biennial reduction, at the rate of 10 per cent., on all duties over 20 per cent., till the 1st of December, 1841; in June following, one half of the remaining excess of duties over 20 per cent., and soon after the residue. To this bill it was objected that the manufacturing interest could never live under it. But what has been the fact? The law has now been in operation for four years, and have you heard any complaints from that interest? Can any period of four years be pointed out in which it has enjoyed greater prosperity? But it was urged, that although the manufacturers might get along till 1842, yet, when that time should arrive, they could no longer exist under the remnant of protection which would then be left them; that is, with a duty of 20 per cent., the home valuation, and the cash payment. In reply to this I said then, and I say now, that no man can tell beforehand whether this protection will be found sufficient or not. For myself, I do believe that the leading manufacturing interests of the country can subsist under it; but, as I said then, I now say, that if it shall be found, on trial, that there are one

or two particular branches which cannot proceed without a greater protection, they will but form an exception to the general rule; and I entertain no doubt, judging from the good disposition which has been manifested towards the plan, that the requisite protection may be so far extended by general consent as to cover these, without the general rule being thereby practically violated. At all events, I ask, is it not right at least to make the experiment?

It has been said that the compromise bill is not so binding in its authority but that you have power to touch it whenever circumstances shall appear to require its modification. And who denies this? It was admitted at the time that Congress might modify the bill if it became necessary. This none will deny. But do not the circumstances under which the bill was passed, do not the great and conflicting interests it was intended to settle, and, above all, do not the tranquillizing effects which have pervaded the country since its enactment, and the numerous important arrangements which have been entered into on the calculation of its continuance, although they may not stamp the act as inviolable without a breach of faith, yet combine to show that it would be exceedingly indiscreet in Congress to disturb an arrangement of this character? Have not other great interests of this Union been permanently compromised by acts which are equally within the power of Congress with the law of 1833? I allude, as one striking example, to the settlement of the much-agitated Missouri question, by which the latitude of 36 deg. 30 min. has been established as the extreme boundary for the existence of slavery within that State. Has not Congress a right to repeal that law? But what would those Southern gentlemen, who now so strenuously urge us to a violation of our implied faith in regard to the act of 1833, say to this House if it should attempt a measure like that? Should we not hear remonstrances, in the loudest tone and most earnest language, throughout the entire land? Yet, what propriety is there in lending ourselves to a violation of another compromise, while we hold fast to this, which is so dear to them?

It has been said, and with some emphasis, that the Senate has heard no pledges given by members on this side of the House. That is not exactly true; for several gentlemen have expressly said that they do feel themselves bound to observe the provisions of the compromise law. I, for one, have always felt myself held in honor, and by every principle which ought to regulate the conduct of a public man, to such an observance. But of what avail are individual pledges? And who is it that asks for them? Has there been any attempt on the part of the North to disturb this arrangement? None whatever. It is the party which calls thus for pledges that is the moving, the threatening, the acting party, (with the honorable exceptions of the two Senators from South Carolina, the two from Tennessee, and one of the Senators from Mississippi,) and who, while giving themselves no pledges at all, are proposing measures which, on the contrary, go to set aside the compromise entirely. The North had sat by in silent acquiescence. It has made no movement whatever in opposition to the law; while the opposite party, who alone threaten to disturb the compromise, call on us for pledges to its observance. But are there, in fact, no such pledges given? What is the language of the paper which has been read to us this morning, containing resolutions on this subject, passed by a vast majority of the Legislature of the State of Massachusetts? And what is the language which has been forwarded to us from the great central State of Pennsylvania? Is not she, too, possessed with the conviction that the compromise is to be held sacred? And what is the language held by the less but still highly respectable State of Rhode Island? Is it not of the same tenor? Does it not express the same sentiment? If it could have been believed that a serious design was entertained of disturbing that arrangement at this session of Congress, you would have heard not only from these States, but from Ohio, from Kentucky, and from every other State of this Union at all interested in the protective policy. They all would have concurred in declaring, with one voice, that they held the act of 1833 as of binding authority, by general agreement. These are pledges worth infinitely more than any which could have been given by individuals on this floor. If you want further evidence of what has been the general understanding on this subject, look at the universal burst of acclamation which followed the passage of the act, wherever it was heard of. Look at the universal peace and quietness which has prevailed throughout the country on this subject ever since; look at the public official language of all the several branches of this Government--of the President, of the Senate, and of the House of Representatives. Do you find here no evidence that it has been the understanding of the American people that that law was to be respected, and was to be held inviolate? But what is the language we have heard on this floor during the present debate? Did not the Senator from Virginia [Mr. RIVES] distinctly say that he felt great respect for the compromise law, and should not be willing lightly to invade it? Yet, the other day, the same gentleman spoke of that law as no more than a common act of legislation, and as presenting no impediment whatever to the adoption of any part of the present bill. The chairman of the Committee on Finance, too, talked of its not being precisely a common act of legislation, yet he said, in substance, that it was to be respected, and not respected. He would respect it in so far as he liked, and he would disregard it whenever it suited his views of policy. I do not consider the act as possessing this flexible character; and although I should have no objection to a reduction of duty on one or two articles in the bill, which are now over 20 per cent., yet I cannot consent, for the sake of reaching this object, to hazard the whole arrangement.

The protective system is an entire system. All its parts are to be regarded in their mutual connexion and dependence. The moment you touch one of them, although with the utmost possible caution, there is no saying when or where you will stop. You begin, to-day, with the duty on salt and on spirits; but, as you have not adjusted the revenue question yet, to-morrow you may come to some other article on which it will be convenient to make a reduction; there then will be a change of the *dramatis personæ;* and thus you will be called upon, from time to time, to destroy the system piecemeal. Is this (said Mr. C.) the contemplated course of the new administration? If it is, then I tell all who are interested in the protective policy; I tell Louisiana, whose brown sugar is now so amply protected; I tell the woollen manufacturers of New Hampshire and Massachusetts; the cotton manufacturers of Connecticut and Rhode Island; and the iron-masters of Pennsylvania, that if they consent to set the example by repealing the duties on coal, on salt, or on spirits, they will expose themselves, sooner or later, to inevitable destruction. Whenever a majority can be found to accomplish the object, the process, which now affects others, will be made to reach their own most favored and cherished interests. I say to all, the system is one. It is a system of mutual reciprocity. It partakes, in its nature, of the genius of the Government under which it has grown up. As such it must be maintained, if maintained it is to be.

What would that portion of the Southern delegation who are in favor of this bill have thought, if the condition of the two interests concerned in the compromise were reversed? If, instead of acquiescing in the act of 1833, and conforming their arrangements to it; instead

of confiding in the sacred character of that agreement, and proceeding in their business accordingly, the men of the North had come here, and pressed the Senate for the enactment of highly increased duties for protection? What would then have been heard in all parts of this city? How quickly should we have heard the resounding voices of the Southern delegation in ardent and loud remonstrance. Every where throughout the South, writers and orators would have been invoking the North to have respect to its engagements. Every where they would be declaiming against opening the wounds of the country afresh, and again plunging the nation into the danger of a civil war. And do not our friends from the South recollect that men have the same feelings in all parts of our country? Do they think they can pass a bill like this without wounding the sensibilities of that great interest which is concerned in the protective system? Is it right to do so, admitting that they possess an accidental majority? The Senator from Virginia consoled himself and his Southern friends by an assurance that the protective policy has not now an ascendency in this nation. Where the ascendency is in this ill-governed country, God only knows; but, be it where it may, I conjure gentlemen to let this subject alone. Is it not enough that they have tampered with the currency? Is our domestic industry also to be made the subject of experiment? Are men to go to bed at night, thriving laborers and prospering capitalists, and not know what they are to be when they awake in the morning? Are all the great interests of the country to be dragged into the service of mere party politics?

I adjure the Senate to rise to the greatness of American statesmen, and to atone, in some measure, for the injuries which have heretofore been inflicted on a bleeding country. There are some things too dear to be dragged into the vortex of political contest, and made the objects of party calculation. Let the protective policy remain where it has happily flourished for these four years past. There are yet but four years more, till we shall reach the expiration of the term limited by the compromise bill; and all parts of the country will acquiesce in its provisions, if they shall not now be rashly disturbed. But if this bill shall become a law, from that moment I shall hold myself absolved from all obligation to observe that compromise, and shall be ready, according as my sense of the public wishes shall point out my duty, to augment the rate of protection to any point which they may require. And, let me ask, are gentlemen quite sure that they shall retain, for years to come, the ascendency which they imagine themselves now to enjoy against this policy? Where are the elements of that great mass which supported and enforced the American system? Scattered by party—broken into fragments. But it still exists in Pennsylvania, in the Western States, in New England, in New York itself; and it is not improbable that a new combination may arise, far stronger than any you have yet seen. Should the man whom you of the South have contributed to place at the head of the Government recommend in his next message to Congress a revival of the protective policy, would he not find majorities in both Houses to support him? Does any man doubt it? And are gentlemen of the South prepared to see their whole security suspended on the will of one man? I trust not.

But such is the state of my health, that I do not feel myself able to add much more. I shall conclude my remarks by a motion, the object of which is to test the opinion of this body as to the obligation of the compromise act of 1833. That motion will be to recommit this bill to the Committee on Finance, with instructions to strike from it all those articles on which there is now levied a duty of 20 per cent. or over. I do this for no purpose of embarrassment. It is not my habit to embarrass the proceedings of any legislative body. I have been both in the opposition and in the majority; and I do not approve and have never practised on the plan of wearying each other out by propositions merely intended to perplex and thwart the course of an opposing party. The manly, the becoming course is fairly to bring up mind to mind—patriotism on one side to patriotism on the other; and, when the intellectual struggle is over, to yield as promptly as we have contended vigorously. The majority must ever govern.

We have had a succession of motions in relation to particular articles comprised in this bill; and as it may often happen that a gentleman will feel himself bound to vote in relation to some particular interest in a manner different from those with whom he ordinarily acts, it has come to pass that the majorities on these different portions of the bill have considerably varied. I now wish to test the Senate in a group, so that there may be no escape on the ground of individual situation, in order that the country may know whether Congress regards its faith as pledged or not to an observance of the act of 1833. I am also moved by the consideration that there are one or two articles in this bill, with respect to which my own State feels a particular interest; an interest, however, which is not confined to her, but which extends to western New York, to western Pennsylvania, and all the grain-growing States west of the Alleghanies. The article to which I more particularly refer is, with the exception of cotton bagging, the only one which gives us any personal concern in the protective policy. I allude to foreign spirits, on which it is now proposed to reduce the duty to thirty-three and a third cents—a sum exceeding the average price of the American article which is the rival of the foreign. And under what circumstances is this reduction proposed? There is not now a civilized nation in the world whose system of duties does not amount to an absolute prohibition of the introduction of foreign liquors. Holland, liberal as her general policy is, has, for the purpose of protecting her own production, excluded all foreign liquors whatever. England excludes a large majority of them. France does the same thing; and yet, at this moment, while we are thus excluded from the markets of all the world, it is proposed to reduce the protecting duty of our own citizens on this article one half. And when and how is this to be done? Of all foreign nations, England and France will be most benefited by such a reduction. Now, it is well known that, at this moment, our tobacco interest has to struggle against the rigor of their laws, which, in effect, are almost exclusive of this American product. Yet, instead of leaving in the hands of our negotiators the article of brandies, to be balanced against that of tobacco, it is proposed, without any equivalent, to reduce the duty on foreign spirits from 66⅔ cents to 33⅓ cents.

I shall conclude by submitting the motion which I have already named; and when the Senate brings to remembrance the good feeling which the compromise has thus far produced, the tranquillity which an acquiescence in it by both sides has given to the whole country; and when they consider, especially, what our condition is in reference to another interest, very dear to the South, and on which the North is now assailing them, will they deem it wise to loose these bonds of peace, in order that the South may in turn assail the North? Is this right? Is it wise? Does it become us as American statesmen? Is it not better that we submit to that which, after all, is but a conjectural evil—I mean the inconveniences of an excessive revenue—than at once to break down all those barriers which have guarded us against evils more than imaginary? Shall we reopen again this source of eternal contention—the tariff question? I adjure gentlemen not to throw into the political caldron,

already too likely to overflow, this new element of dispute and heart-burning. I trust that, under these considerations, the majority will concur in the motion now submitted, and that we shall thus have a bill containing those items only on which there is no dispute.

Mr. CLAY's motion to recommit the bill was negatived, by the following vote:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, McKean, Moore, Morris, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, Wall, Webster—24.

NAYS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, White, Wright—25.

The debate was further continued by Messrs. PRESTON and BLACK.

Mr. CALHOUN said he was fully apprized of the impatience of the Senate, and regretted to detain them at so late an hour; but he could not avoid saying a few words before the question should be put upon the passage of this bill. It now appears (said Mr. C.) that the administration party did not intend to respect the provisions of the compromise law. The people of the North seem, with but little exception, to be disposed to adhere to it. The question then arises, what course ought to be pursued by me, and by those who act with me, on this subject? The course, as I apprehend, is an obvious one. So far as the manufacturing interests are concerned, they concur in the arrangement; not a petition has been presented, not an effort has in any shape been made, to disturb it. The present is the first attempt which we have witnessed in any wise to interfere with it. And this attempt is not made by manufacturers, but by politicians; and by politicians from the manufacturing region of the Union. I regret exceedingly that the South, which has so deep a stake in the observance of the compromise, should give any countenance to such a design. This bill does not violate our share of that arrangement; not an article of it; the violation is of that part of the bargain which belongs to the North. It rests, therefore, with the Northern interest to say whether they will sustain their public men in such an attempt or not. I leave it to them to settle the question.

As to myself, I care not how many duties are taken off, provided it be done by gentlemen from that section of the Union; but, in the mean time, I shall do my duty. We of the South, it is always to be remembered, are the weaker interest; in this sort of contest it is we who are to be the sufferers. I therefore, for one, will not vote to disturb the compromise of 1833.

I am not, however, much surprised that the friends of the administration from the Southern States should be tempted to give their votes for this bill. We have long warred against the tariff; and when a proposition is made for repealing any portion of it, it is not wonderful that they should seize upon it with avidity. But let me tell them to beware. Will you, for the trifling benefit now held out to you, establish the principle that the act of 1833 is to be disregarded? You may now make a small reduction in violation of its provisions; but do you forget that, if that act remains inviolate, in 1842 six tenths of the whole protective duties will go off? Let me tell my Southern friends that I know the men with whom we have to deal. Abandon the compromise, and they will be among the first to resist all future reduction. We see the bait, but we do not perceive the hook that lies under it. We see a proposition to repeal the duty on salt; the motion, coming from a New York Senator, has the appearance of great magnanimity; but we did not remember, till we were reminded of it, that New York has laid a State tax of six cents a bushel on all salt ascending her canals. This salt duty is the bait; and for the sake of this small gain we are invited to disturb the arrangements of the compromise. But I can tell these fishers, they shall not catch me. I was caught once by following the same lead. I am not to be caught a second time. Wait till 1842, and you will find that which I say is true.

We have been told that the Senators in the opposition have given no pledges to observe the compromise law; but I ask, have either the chairman of the Committee on Finance, or other gentlemen of the same party, given any pledge that they will not violate that compromise when the year 1842 comes? They are now for reducing duties; but will they not then be for arresting the reduction provided by that act? Rely upon it, that is the very thing that they have in view. Their professed object is to get rid of the surplus, and they talk of making war upon the protective system, and even of its entire overthrow.

When men make professions, I am called upon to judge of their sincerity; I am in the habit of looking at the measures they pursue, and whether these measures are the fit and appropriate means toward the end they profess to have in view; and if I perceive that they are not, I hold it proper to be on my guard. I admit that these gentlemen are opposed to having a surplus in the Treasury, and I perceive that they have given a pledge to the South that they mean to make war upon the protective system. Such being their aim, what is the mode which they ought to take to attain it? Is not that mode obvious? Should they pick out the article of salt, to accelerate the reduction proposed by the compromise of 1833? It was one defect of that arrangement that the reduction proposed by it was to be too rapid towards the close, and too slow in the beginning. The obvious rule of proceeding would rather have been to make it swift at first, and slow afterwards. It would have been perfectly easy to say that the amount of all protective duties should have been reduced one fifth on the 1st of January, in every year, for the five years. That would have reduced a greater amount than the whole of what is proposed by this bill, and would have given a sure pledge to the South that gentlemen were sincere in their professions and promises. I should then have believed them. But when I see them proceed to select articles not made in the States where they have the majority, and see them opposing the reduction on articles made in States where they have not, I am naturally led to predict that, in 1842, they will come here and tell us that the reduction proposed by the compromise act is too rapid.

Our friends of the South (I speak now of such as are friends of the administration, who are all deeply interested in the articles of cotton and tobacco, and who, in relation to those articles, move all together, and must be sincere) found their course on the declaration of the Senator from Virginia, [Mr. RIVES,] who comes forward here as the personal friend and political organ of the President elect. That Senator tells us that Mr. Van Buren is a "practical politician." And when he is asked what Mr. Van Buren proposes to do, his reply is, that he intends to reduce the tariff in such a manner as that it shall not be injurious to any great interest of the country. And what, I pray you, is this but the old song which has been sung in our ears a thousand times? It is neither more nor less than the old story of a "judicious tariff." The Senator from Kentucky, the Senator from Massachusetts, and all the friends of the protective policy, are for a tariff which shall not be injurious to any of the great interests of the country. They have never asked for any thing else, if you take their account of it; and yet for this vague declaration, made at second-

hand by the Senator from Virginia, we of the South are asked to surrender the immense advantages secured to us by the act of 1833—an act which explicitly provides that the duties shall come off at a certain specified rate until the whole are gone. Sir, this word *practical* is a very important word. We call a man a practical man who is a man of business, who is practical in his business. Mr. Van Buren is a politician. That is his business, and we are told that he is a practical politician. Now, sir, what sort of an animal is a practical politician? I will endeavor to describe it. It is a man who considers the terms *justice, right, patriotism*, &c., as all being so many abstractions, mere vague phrases, which it is very well to use, but which are to be shaped wholly by circumstances. It is a man who acts in each peculiar juncture as expediency may require; who studies the men about him with great care, with a view to a given end; who studies especially their assailable points, and who uses them as instruments for the accomplishment of his own purposes. If, for example, there be near him a Chief Magistrate distinguished by strong passions, a very determined will, and a good deal of personal vanity, he will touch that vanity, and, by skilfully playing upon it, will get hold of the mind and will of its possessor; and having once obtained a firm hold upon the Chief Magistrate, he will employ the power and influence of such an individual to an object eminently practical, viz: the attainment of his own political ends. The same thing he does with all other men around him. He uses them all, he turns them all to practical use, for he is himself "practical." He looks at particulars, and considers all propositions of a general nature as mere abstractions, with which a wise man will not too much concern himself. A practical politician judges of all actions by the event. If they are successful, he is in favor of them; if not, not. He adopts precisely the policy that was pursued in the Italian republics, and weighs every principle of morals and patriotism by the degree in which it will conduce to a certain given purpose which is to be gained. This is a practical politician. And now I will tell you how such a politician is likely to act in regard to the tariff question. He sees in the opening of that question again the means and prospect of a great increase of power; by rightly managing the different States, and displaying them off in a skilful manner against each other, and standing ready to make the most of every result, he will hope to get into his hands an entire control. By putting all things afloat, he calculates to bring them all under the Government to be managed; and this, let that management result as it may to them, must be promotive of his interest. Now, the South, as we all know, has an interest in the principles of free trade. What is likely to be her fate under such a system of things it is easy to tell. She brings him the least weight, and her interest will therefore be the soonest disposed of, in whatever way it can be made the most of.

Entertaining these views, I cannot consent to change my position. I am for adhering to the compromise. I think that the act holds out to us of the South great advantages, while, at the same time, the manufactures of the country flourish under it; (and whatever may have been said or thought, I am no enemy to the manufacturing interest, nor ever have been.) I think they will go through the reduction uninjured, provided we can but have a sound currency; for nothing can be so injurious to the protective principle as a currency that is unsound. We all desire that the manufacturers may get through the descent safely; and with a sound currency they may do it. Calculating on the same rate of importation as now exists, the amount of duties in 1842 will not exceed ten millions. I say, therefore, let the country remain quiet; disturb not this long-vexed question. He who shall deliberately disturb it will give evidence either that he disregards the public interest, or that he misunderstands it. I regret that a single article has been inserted in this bill going to disturb the arrangements of the compromise. I am sorry that the Senator from Kentucky [Mr. CLAY] did not succeed in his motion to recommit the bill with instructions. Had these disputed articles been stricken from it, the bill would have passed the House of Representatives almost unanimously. It is now late in the session, and it is exceedingly doubtful whether the bill in its present shape can pass that body. I hope that some gentleman who voted with the majority will yet move a reconsideration, and let us have the bill in such a shape that we can pass it unanimously.

Mr. TIPTON said that as he expected, on the vote now about to be taken, to separate from most of the political friends with whom he was in the habit of acting, and with whom he still intended to act, whenever he could do so without injury to his own immediate constituents or to the country at large, he would claim the indulgence of the Senate while he briefly stated some of the reasons which would govern his vote on the present motion to recommit the bill.

He considered it wise in an American statesman, when legislating in regard to the duties to be imposed on foreign goods imported into this country, to have a regard not merely to the raising of revenue, but also to the protection of American industry. It was this opinion which had governed his course in regard to the famous compromise bill of 1833, as well as all other laws connected with the tariff, which had passed the Senate since he had had the honor of a seat on that floor, and which would continue to do so in future. He did not consider it wise or necessary to agitate the tariff question at the present short session of Congress. No such measure had been called for by any expression of the will of the people. It had been forced upon the consideration of the Senate by a spontaneous movement on the part of those who had brought it forward. Certain Senators had entertained the body by giving to the Senate a history of the passage of the tariff bill of 1828, particularly as connected with the business of President-making, and, in so doing, it appeared to him that some of those gentlemen did not look to the future. As for himself, he had had no concern in the passing of that law, nor was he willing again to move the tariff question, or to commence President-making at this time. The session was so far advanced that there did not remain time sufficient for that mature consideration which a subject of so much importance justly demanded. There were but five more business days now remaining, and he therefore thought it would be far better to postpone the subject to the next session of Congress.

But if the bill must pass, Mr. T. should vote for its recommitment, in order that it might be so amended as to continue the protection on China, porcelain, earthen and stone ware, also on foreign spirits and wines of every description, and on blankets and woollen goods. Should the bill become a law in its present shape, it would most injuriously affect a portion of his own constituents; and he felt it his duty to make an effort to have it amended. An opinion had long prevailed in this country, that the particular species of clay used in the manufacture of China and porcelain was nowhere to be found in North America; but recent examination had convinced those who were practically acquainted with the business, and therefore fully competent to judge, that clay of this description existed in the State of Indiana, and that of so superior a quality that ware might be manufactured from it equal to any now imported from England. An English gentleman, who had been extensively engaged in this manufacture in his own country, had re-

cently made a large investment in the State of Indiana, and was about to commence the business on an extensive scale in that State. Besides this establishment, Mr. T. believed that there was but one other of the kind in the United States, and that was situated at Jersey city, immediately opposite New York. The establishment in Philadelphia was confined to China ware alone. At these two porcelain establishments, American citizens had invested their property, and were making laudable exertions to compete, in this branch of industry, with British skill and British capital; and it surely was incumbent upon a wise Government to extend to enterprising individuals of this description its protection and encouragement. The amount of the foreign article imported into this country during the last year was $1,697,682, on which a duty was paid of $339,536. This duty afforded a sufficient protection; but if it should be abolished, the most serious inconvenience and injury, and not improbably total ruin, would result to the establishments at Jersey city and in Indiana.

The same remarks would apply to the proposed reduction of the duty on blankets used in the Indian trade. The Senator from Missouri, [Mr. BENTON,] who advocated this measure, did so on information furnished to him by John Jacob Astor, a merchant, long and extensively connected with the American Fur Company. It was very true that blankets suited to our trade with the Northwestern Indians had never been manufactured in the United States. Those referred to in Mr. Astor's letter, which had been read to the Senate, were manufactured in England especially for that trade. They had been introduced many years ago by the English Northwest or Hudson's Bay Company, through their trading posts on Hudson's bay, or by the way of Montreal and Mackinac, and distributed as presents from the British Government, or sold by the fur traders, to the Indians; from which circumstance they were familiarly known all over the Northwest by the name of Mackinac blankets. Every trader who went into the Indian country found it necessary, to satisfy the Indians, that the blankets he offered them were of this description. The confessedly superior quality of this species of blanket was owing, perhaps, chiefly to the superior quality of the wool which entered into the fabric, as well as to the closeness and solidity with which it was woven. Under the fostering care and wise and paternal policy of Great Britain toward all her manufactures, this branch of industry had attained a perfection with which we were at present unable to compete; but, that we might do so in future, Mr. T. was of opinion that it would be wisdom on our part to profit by the experience of our great rival, and to pursue the same course which had established her manufactures upon so firm and immoveable a basis.

A few years ago an effort had been made by a woollen manufacturer in Indiana to make this description of blanket, and a sample had been sent to one of our military posts, for presentation to the Indians. The article was well made, the web was close and compact, as much so perhaps as the British blanket; but the wool was not so fine, nor of so long a staple, as that of the Mackinac blanket; in consequence of which, the Indians despised and rejected them. Mr. T. thought it would be good policy in this Government to extend such protection to the article, that our farmers might be encouraged in improving the breed of sheep and the quality of our wool. Could this be supplied, we might then enter into successful competition for the Indian trade with our rivals abroad. The question, in fact, now presented, was one between the American Fur Company, at the head of which stood that worthy and most enterprising citizen, John Jacob Astor, and the British Hudson's Bay Company. It was very true that the American fur trader could not buy British blankets; and pay the duty, and yet sell at the same price, and make as large a profit on the article as the British trader. But it would in either case be a rare thing, indeed, to see a blanket sold low to an Indian, no matter at what price it had been bought. The price usually paid by the Indians amounted, in most cases, to the full value of his winter's hunt, and he remained more or less indebted to the traders when the hunt was over. The American Fur Company, as Mr. Astor informed the Senate in his letter, wielded a capital of a million of dollars. With a capital of this extent, that company could much better compete with its British rival than our infant manufacturers could possibly do with those of England. We should never forget the lesson taught us on this subject by the late war with Great Britain. Previous to that event, but little attention had been paid to the manufacture of woollen goods in the United States. And who that was acquainted in the least degree with the history of that contest could ever forget the sufferings of the soldiers of the left wing of the Northwest army, who operated on the Maumee river in the winter of 1812. The men were destitute of blankets not only, but of woollen clothes to shield them from the severity of that bitter season; and he would ask, was the country now any better provided? Should war be declared against Great Britain to-day, and the supply of British blankets of course cut off, were our factories in a condition to supply either our army or our Indians with blankets for the first winter's campaign? So indispensable was a good blanket in the eyes of an Indian, that it had been stated, in the letter read to the Senate, from Mr. Stewart, an intelligent and highly respectable member of the American Fur Company, that they would travel many hundreds of miles to procure one. It had been through British blankets, mainly, that the British talks had succeeded hitherto in wielding the Northwest Indians against us; and this would continue to be the case unless this Government should change its policy, and come into the Indian market with an article equal to that provided for them by him whom they called their British father. The Indians called the English blanket by a name which signified both coat and house. The question, therefore, now presented to the Senate was, whether, by keeping up, for the present, the high rate of duties on foreign blankets, Congress would enable our own citizens, who possessed but a small capital of but a few hundred dollars, to grow wool and manufacture that description of goods to supply our demand; or, by abolishing the duty, enable the American Fur Company, with its millions, to compete more successfully with the British Fur Company—thereby prostrating our own infant manufactures at the feet of British skill and British capital. To so fatal a policy he would never give his sanction.

He also objected to that provision of the bill which contemplated the reduction of the duty on foreign distilled spirits and on wines, and regretted that the motion of the honorable Senator from Kentucky [Mr. CRITTENDEN] to strike it out had not prevailed. These articles, as imported, competed with those of domestic manufacture. They were not necessaries of life; they were mere luxuries, used chiefly by the rich, who were well able to pay a high price for them. If our wealthy citizens were determined to persevere in the use of them, let them do so; but let us not, to accommodate them, injure our own country. The same remarks would apply to embroidery, precious stones, perfumeries, and fancy and perfumed soaps, which it was proposed to relieve from duty. The high rates of duty which had been established for the purpose of paying the debts contracted by the revolutionary and the late war had left the country with an overflowing Treasury; and the Government had but one alternative—either to reduce these duties or to divide a surplus. Between these, he should choose a reduction;

but he would have it to take place at the next session of Congress, when there would be more time to mature so important a measure. In reduction, however, he would not lose sight of sufficient protection to our infant manufactures. He should be in favor of first abolishing the duties on such articles as were of prime necessity with the poorer class of our population. Among these, salt held a prominent place, and it had been with great pleasure that he had voted to strike out the duty with which it was burdened. In that respect, the bill was highly acceptable to him.

Mr. T. concluded by observing that he should vote for the recommitment of the bill, with a view to having it amended in the manner he had now briefly explained. If he failed in that effort, he should then vote against the passage of the bill, in the hope that the subject would be resumed at the next session, when it might be arranged with that deliberation and calmness which its great importance so eminently demanded.

Mr. KNIGHT moved to recommit the bill, with instructions to strike out common salt, stone and porcelain ware, palm-leaf brooms, button moulds, tinned and japanned saddlery, and spirits made from vinous materials; which motion was negatived, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Knight, McKean, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, Webster—20.

NAYS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, White, Wright—27.

The bill was then passed, by the following vote:

YEAS—Messrs. Benton, Black, Brown, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, White, Wright—27.

NAYS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Knight, McKean, Morris, Prentiss, Preston, Robbins, Robinson, Southard, Spence, Tipton, Tomlinson—18.

After transacting some other business,

The Senate proceeded to the consideration of executive business; after which,

The Senate adjourned.

MONDAY, FEBRUARY 27.

Mr. KENT presented the credentials of the Hon. JOHN S. SPENCE, re-elected a United States Senator, by the Legislature of Maryland, for six years from and after the 3d of March next.

Mr. FULTON presented the credentials of the Hon. AMBROSE H. SEVIER, appointed a Senator, by the Governor of Arkansas, to fill the vacancy that will occur on the 4th of March next, for the term of six years.

Mr. WEBSTER expressed his doubts as to the constitutionality of making an appointment, no vacancy having occurred.

Mr. FULTON remarked that he and his colleague were aware of this difficulty; but he, (Mr. F.,) supposing that it would be a matter for the next Senate to act upon, presented the credentials under that impression.

The CHAIR said that it was not for the Senate to consider the qualifications of Senators elected to the next Congress. That Congress must act on this subject.

Mr. SEVIER said that he had very great doubt of the legality of the appointment, and did not at all doubt the patriotic motives which influenced the Senator from Massachusetts in expressing himself as he had done. Mr. S. cared not how the matter should be decided, one way or the other.

Mr. WEBSTER was sure that the honorable Senator was very indifferent as to how the question might be decided, and would give him credit as to his motives in intimating that there might be some irregularity in the proceeding.

Mr. SEVIER expressed himself quite satisfied with the course pursued by the honorable Senator from Massachusetts.

[No action was had on the subject.]

UNITED STATES AND MEXICO.

Mr. BUCHANAN moved to take up the report of the Committee on Foreign Relations on the subject of our relations with Mexico.

Mr. WALKER hoped that the resolution submitted by him for the acknowledgment of the independence of Texas, more than two months ago, and which had been so often postponed to make way for other matters, would have the precedence.

After some remarks from Messrs. PRESTON, CALHOUN, BUCHANAN, and WALKER,

The CHAIR said that the report of the Committee on Foreign Relations had come up in its regular order, and must be first considered, unless postponed by a vote of the Senate.

Mr. PRESTON moved to postpone the resolution, for the purpose of taking up the resolution on the subject of the acknowledgment of the independence of Texas; which motion was negatived: Yeas 9, nays not counted.

Mr. CLAY rose and said that he supposed the only question which would be presented to the Senate would be upon the resolution. He had risen merely to say that he concurred with the other gentlemen who composed the committee, upon the subject under consideration. He agreed with the rest of his colleagues, that the controversy with Mexico had made out no case justifying a resort to war or for the issuing of reprisals; and he thought that renewed efforts should be made to obtain redress, before it should become necessary to declare war against Mexico to vindicate the honor and interests of the country. He felt himself bound to say, that whilst he concurred with the committee, which he believed was unanimous in adopting the resolution, he did not agree entirely with the body of the report. He thought the case was made out rather stronger against Mexico than the correspondence of the Government with that country justified. And he must say, in all candor and truth, that the departure of our representative from Mexico, under the circumstances, was harsh, abrupt, and unnecessary. A long letter had been addressed, in pursuance of instructions from the Department of State, by the American chargé d'affaires, to the Secretary for Foreign Affairs in Mexico, and which bore date some time in December last, and embraced a great variety of claims in respect to which information was to be procured, and procured, too, from remote parts of Mexico. Some delay, in consequence, took place, on the part of the Mexican minister, in sending his reply to our chargé d'affaires. When we came to examine the reply with candor and fairness, in respect to which some of our claims were admitted, and concerning others more information was required, the Senate would think, he presumed, that there had been more precipitation than was necessary, on the part of our minister. Well, it was in this state of things that he shortly after demanded his passports and came home.

Now, he (Mr. C.) thought that such were the circumstances then existing, that our chargé might have waited further instructions; and, if he had delayed his departure, the Mexican Government would probably have been able to furnish him with further information. He would have heard what they thought of the letter from our Secretary of State, relative to the final disposition of

our Government in regard to the occupation of the Mexican territory near the Sabine, and which had occasioned so much unpleasantness. While up, Mr. C. would take the opportunity of saying that he did not concur in all the reasonings of the committee as to the publication of a pamphlet by Mr. Gorostiza, the Mexican envoy extraordinary. He, (Mr. C.,) however, would say that it was a great diplomatic irregularity; but he did not think it made out a case for war, or for any serious disturbance. It was not an unusual case. He recollected an instance which occurred while the American commissioners were at Ghent, in 1814, at a most critical state of the negotiation—when it hung, as it were, on a balance, and when it was extremely doubtful whether there would not be a rupture. Mr. C. here related that while he was at Ghent, treating with Lord Gambier and the other British commissioners, a publication from the United States, containing the correspondence between the Governments of the United States and Great Britain, found its way there. Lord Gambier, having seen it, expressed his surprise to Mr. C. that his Government should have given publicity to this correspondence, and said he could not see how they could justify the act. The other commissioners were equally displeased at the occurrence. Mr. C. then explained to them that the course which had been adopted was one growing out of the peculiar structure of this Government, and which the people here demanded of their servants. He (Mr. C.) mentioned this to show that what Mr. Gorostiza had done was a thing not unexampled. It would be recollected that but the other day, Mr. Pageot, just before embarking for France from New York, published the letter of the Duc de Broglie. Mr. Pageot had since returned to this country, and been received frankly, and without any intimation of dissatisfaction on the part of our Government. And he (Mr. C.) had no more doubt of the fact than of his standing on that floor at that moment, that there had been information conveyed through some channel, official or unofficial, to France, that Mr. Pageot's return to the United States would be welcomed, without any displeasure being shown towards him in regard to his having published the letter of the Duc de Broglie; otherwise, the French Government would not have sent him to this country. Had Mr. Gorostiza not known the fact of this publication, he probably would not have pursued the example set him.

Mr. C. admitted that Mr. Gorostiza's conduct, in publishing the pamphlet he did, was decidedly wrong, and highly reprehensible; but, as he had before said, it was not, in his opinion, an offence justifying war. The pamphlet had produced no impression, and had done no mischief; and he thought the Secretary of State had acted highly wrong to make it a subject of communication to the Mexican Government. Whilst, however, Mr. C. disagreed with the committee as to some parts of the report, he concurred entirely with them in regard to the resolution, and hoped it would obtain the unanimous consent of the Senate.

Mr. BUCHANAN said he had but a few remarks to make upon this subject, in addition to those contained in the report of the Committee on Foreign Relations. He felt gratified that the Senator from Kentucky had concurred with the other members of the committee in a large portion of their report, and that he would sustain the resolution with which it concluded. The justice of the Senator's remarks in regard to the withdrawal of Mr. Ellis from Mexico would be palpable, if no demand had ever been made upon the Mexican Government for the redress of our grievances previous to his letter of September, 1836, to Mr. Monasterio. But the case was far different. This demand was not then made for the first time. On the contrary, year after year, time after time, whenever we sustained injuries, we had asked for redress; but our reclamations, in almost every instance, had been evaded, and redress had been withheld. Mr. Ellis's letter of the 26th September was, therefore, but a mere summing up of our causes of complaint—an enumeration of demands which had been previously made against the Mexican Government. That Government ought to have been prepared to yield us prompt redress, or at least to have expressed their willingness to do so, as soon as they possibly could. He thought Mr. Ellis, in withdrawing from Mexico, had obeyed his instructions, both in the spirit and in the letter. His opinion upon this point was very decided. He should not have said another word upon the subject, but for a commentary on the report of the Committee on Foreign Relations, which had appeared in a morning paper. This article proceeded from a source which seemed to render a passing notice of it necessary.

The President, in his message, after expressing his opinion of the aggravated wrongs which we had suffered from Mexico, in which the committee entirely concurred, recommended that an act should be passed authorizing reprisals, if, after making another demand, the Mexican Government should refuse to come to an amicable adjustment of the matters in controversy. He expressed his entire willingness, however, to co-operate with Congress in any other course which should be deemed honorable and proper. Under any circumstances, it was a matter of extreme delicacy for Congress to confer upon the Executive the power of making reprisals, upon a future contingency. He would not say that cases might not occur which would justify such a proceeding. These, if they should ever happen, would establish a rule for themselves. Unless an immediate and overruling necessity existed, which could brook no delay, it was always safer and more constitutional to take the opinion of Congress upon events after they had happened, than to intrust a power so important to the President alone.

The committee, under all the circumstances, did not believe that our existing relations with Mexico presented such a case. They knew that General Santa Anna, whose life had been justly forfeited, but which had been restored to him by the magnanimity of the Government of Texas, had recently arrived at Washington; that he had been sent home in a Government vessel of the United States; and that there was every reason to believe his arrival would be hailed by the Mexicans with joy, and that he would shortly be restored to the presidency of the Republic. Under such circumstances, it was but reasonable to hope that he would feel disposed to render to this country the justice which was our due; and that, therefore, it was neither expedient nor necessary, at the present moment, to authorize any decisive measure of a hostile character.

Again: The committee were unanimously of opinion that the 34th article of our treaty with Mexico required that a demand should be made, under its provisions, before resorting either to war or to reprisals. This article was one of a peculiar nature. It might have been impolitic to agree to it at first; but it was now a part of our treaty, and its requisitions must be held sacred. Here Mr. B. read from the article, as follows: "Thirdly. If (what indeed cannot be expected) any of the articles contained in the present treaty shall be violated or infracted in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed."

This language was too plain to be misunderstood. It

was true that it did not extend to direct insults to the national honor--such as violations of our flag, or opprobrious and injurious conduct towards our consuls. But the committee were very clear and unanimous in their opinion, that when pecuniary damages were sought by our citizens, for pecuniary injuries sustained, in violation of any article of the treaty, before we could redress those injuries by reprisals, a previous demand must be made, in pursuance of its provisions. On this point, there could scarcely be two opinions.

The treaty required something more than a mere presentation of the complaints of individuals to the Mexican Government, through the agency of our minister to Mexico. Our Government must be the judge, in the first instance, of the injuries requiring redress. We must decide this question ourselves. We are then bound to present a statement of such injuries and damages to the Mexican Government, verified by competent proofs. That such a demand under the treaty had never been made hitherto, must be apparent to all those who have read the correspondence. Throughout the whole of it, this article does not seem to have attracted any attention. That it was not within the contemplation of Mr. Forsyth, when he addressed the letter of instructions to Mr. Ellis of the 20th of July last, will appear conclusively from that letter itself. After enumerating our causes of complaint against the Mexican Government, he says: "Though the Department is not in possession of proof of all the circumstances of the wrongs done in the above cases, as represented by the aggrieved parties, yet the complaints are such as to entitle them to be listened to, and to justify a demand on the Mexican Government that they shall be promptly and properly examined, and that suitable redress shall be afforded."

The committee believed that it would require several months to enable the Department of State to collect the necessary proofs for the purpose of verifying each of the private claims of our citizens, and to make the demand according to the treaty. All the necessary forms can probably not be complied with until within two or three months of the meeting of the next Congress. They therefore thought it much better to wait this brief space, and refer the whole question to Congress, than to authorize the President immediately to issue letters of marque and reprisal, in case the answer of the Mexican Government should not prove satisfactory. After this demand shall have been made, and the answer of the Mexican Government received, the whole case will then be before Congress in a clear and distinct form. If that Government should refuse to do us justice, he could not doubt but that Congress would adopt prompt measures for vindicating the honor of the American flag and asserting the just rights of our injured fellow-citizens.

He should have been willing to use stonger language in the resolution appended to the report, but he believed it was now presented in the best form. Whilst negotiation continued, it was not politic to use the language of menace. Still he thought, from the report and the resolution, taken together, the Mexican Government could not fail to perceive the determination of that of the United States to enforce, in the most prompt and energetic manner, the redress of all our grievances.

When Mr. BUCHANAN concluded, the question was taken on agreeing to the resolution reported by the Committee on Foreign Relations, and decided as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Page, Parker, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Spence, Strange, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster, White, Wright--46.

So it was

Resolved, unanimously, That the Senate concur in opinion with the President of the United States, that another demand ought to be made for the redress of our grievances from the Mexican Government, the mode and manner of which, under the 34th article of the treaty, so far as it may be applicable, are properly confided to his discretion. They cannot doubt, from the justice of our claims, that this demand will result in speedy redress; but should they be disappointed in this reasonable expectation, a state of things will then have occurred which will make it the imperative duty of Congress promptly to consider what further measures may be required by the bonor of the nation and the rights of our injured fellow-citizens.

TEXAS.

Mr. WALKER moved the consideration of his resolution for the recognition of the independence of Texas.

Mr. HUBBARD moved to postpone its consideration to Friday; and a desultory conversation took place upon the motion, which was finally modified by inserting Wednesday next, and carried, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clayton, Davis. Hubbard, Kent, King of Alabama, King of Georgia, Knight, Lyon, Morris, Niles, Page, Prentiss, Robbins, Ruggles, Sevier, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright--25.

NAYS--Messrs. Benton, Black, Calhoun, Clay, Crittenden, Cuthbert, Ewing of Illinois, Fulton, Hendricks, Linn, Mouton, Nicholas, Norvell, Parker, Preston, Rives, Robinson, Spence, Strange, Walker, White—21.

ALABAMA TWO PER CENT. FUND.

The bill to advance $1,000,000, on the two per cent. land fund, to the States of Alabama and Mississippi, respectively, being under consideration—

Mr. MOORE said he had presented a memorial from the Legislature of Alabama, in relation to a great work now in contemplation, to unite Mobile with the waters of the Tennessee. He regretted extremely that the Committee on Public Lands, to whom this memorial was referred, had overlooked the views of that Legislature entirely, and had reported the bill now before the Senate, without a due regard to their views. He had no objections that Mississippi should dispose of her two per cent. fund in any manner that she and her representatives might think proper; but he had objections to the refusal of the same privilege to the State of Alabama. He therefore moved to lay the bill on the table for the present, preferring to run the risk of being misrepresented as illiberal, to that of being unfaithful to the interests of his constituents.

On this motion Mr. WALKER asked for the yeas and nays; which were ordered, and were taken, as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Hendricks, Hubbard, Knight, Linn, Moore, Mouton, Nicholas, Niles, Page, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Webster, White—27.

NAYS—Messrs. Benton, Black, Buchanan, Crittenden, Fulton, Kent, King of Alabama, Lyon, Norvell, Parker, Rives, Robinson, Sevier, Spence, Strange, Walker--16.

So the bill was ordered to lie on the table.

JOHN McCARTNEY.

The bill for the relief of John McCartney coming up on its third reading,

Mr. MOORE, of Alabama, addressed the Chair as follows:

Mr. President: The history of this claim may be gathered by attention to the memorial and reports that have been made by committees in both branches of the National Legislature. A sketch of the meritorious char-

acter of the claimant may also be obtained from some of the accompanying vouchers. And, sir, I would not feel that I had discharged my entire duty to this worthy old gentleman, were I to omit to add my testimony in favor of his entire honesty, integrity, and correct deportment, for about twenty-seven years, during which time I have known him intimately.

Mr. McCartney tells you in his memorial that he is one of that gallant band, of which but few now remain, who perilled every thing in the war of the Revolution for the liberty we now enjoy; and I can testify to one fact in support of this position also, for it is known to me that he is now enjoying the small pittance given for his valor and suffering, by a grateful country, in the way of a pension.

This claim was first presented in the House of Representatives, by me, in 1822 or 1823; it was referred to the Committee on Indian Affairs, at the head of which the distinguished member from Tennessee, General Cook, then presided as chairman, who, at that time, was a very influential member of the party called the radicals or reformers; and to those who are acquainted with the history of the times I need not say that that gentleman had acquired a reputation for thorough investigation into all claims, and a rigid watchfulness over the public treasure, which none except the Third Auditor, (Mr. Hagner,) who, I believe, is one among the best officers in the employ of the Government, ever enjoyed. It was proverbial then with that gentleman, as it is now with Mr. Hagner, that whenever any claim has passed the ordeal of his investigation, and was approved, no one dared to doubt its propriety and justice. That gentleman, at that time, when a large public debt was hanging over the Government, and economy the order of the day, made a favorable report in McCartney's case, accompanied by a bill for his relief, which passed the House of Representatives. I have felt it my duty to present the claim here every session since I have had the honor of a seat here. It has passed and repassed here, but has halted and been lost in the House for want of time or other considerations. Well, sir, having said thus much as regards the history of the claim, what are the grounds upon which it is attempted to be resisted?

Sir, according to the views given by the honorable Senator from Vermont, [Mr. SWIFT,] and the views of others in opposition heretofore, it does appear to me that this opposition rests more upon mere legal technicalities than upon any broad principle of propriety, supported by equity and justice. It is alleged that the officer who took and carried away McCartney's property, although he acted in obedience to an order issued from the commanding general, was a trespasser, the order illegal, therefore void, and the officer liable. Now, sir, to say nothing as to the impracticability and impossibility of McCartney's obtaining redress in this way, when the officer was stationed at a garrison, out of the jurisdiction of the court, let us take for granted all this to be so, and suppose, for argument sake, that Mr. McCartney, instead of presenting his claim to Congress, had brought suit against Lieutenant Houston for this trespass, committed in obedience to the order issued by General Jackson, and suppose he had recovered damages against Houston, would not Houston have made an immediate application to Congress for indemnity? And would any Senator have hesitated for a moment as to the propriety of granting the indemnity? No, sir; no. If, then, we would have indemnified Houston, as I am fully persuaded every Senator would have done, where, then, is the impropriety of giving McCartney relief in the first instance?

Indemnity has been given for trespasses committed under somewhat similar circumstances in the Northwestern army. The statute book will prove this to be so. But, Mr. President, this officer acted merely as a ministerial agent. He had no discretionary powers; he did nothing more than he was commanded to do; and the Government is surely liable for the acts of its agent. It does not follow, that because the agent is liable the Government is not also liable. And, sir, in this case, the great principle of civil liberty requires that the agent and Government both should be liable. The rights of the citizen cannot be secure without this joint liability of both the Government and its agent. Let the principle be but once established that this Government may at will, by its agents, violate the property of the citizen, without being responsible for such violation, and there can be no security for private property. All that will be necessary to enforce a perfect despotism will be for the Government to employ agents destitute of property, and therefore irresponsible, and make any wanted attack upon the property of the citizen, the agent protecting himself behind his bankruptcy, which will be a complete shield, as far as he is concerned, and the citizen without redress. This joint responsibility, therefore, of both the agent and the Government, is the safeguard of the liberty of the American citizen, and I hope will not be lightly abandoned by an American Senate.

The question was then taken on the engrossment of the bill, and carried in the affirmative.

After going through several other bills,

On motion of Mr. EWING, of Ohio, it was

Resolved, That the Senate, during the remainder of the session, take a recess from three o'clock to half past four.

The Senate then broke up, to meet again at half past four.

EVENING SESSION.

The Senate met, pursuant to adjournment; and, after taking up and considering several bills, proceeded to consider the bill to remunerate Captain Francis Allyn for conveying General Lafayette to the United States, in 1824.

This bill proposed to allow $4,000 to the captain and owners of the ship Cadmus, for bringing over General Lafayette to this country. The captain relinquished his place in the Havre line, and procured a ship on his own responsibility, and was at expenses in going to Paris, &c.

The bill was warmly opposed, as opprobrious in its character; it was making a commodity of the honor of having tendered to the General his passage. The owners had had loud praises at the time for their liberality, yet now came to Congress for pay.

It was contended, on the other hand, that this captain had been at large private expenses, for which he ought to be remunerated. It did not appear that the owners had ever requested any thing of the kind.

After a desultory debate,

Mr. BUCHANAN moved to lay the bill on the table, and called for the yeas and nays; which were taken, and stood: Yeas 22, nays 18.

So the bill was laid on the table, but afterwards reconsidered, and, after amendment, was agreed to, and ordered to be engrossed for a third reading.

HALL'S RIFLE.

The bill to remunerate Captain John H. Hall, for improvements in firearms, being under consideration,

Mr. DAVIS desired to know the merits of the bill.

Mr. TIPTON said that he would state, in a few words, the reason which had influenced the Committee on Military Affairs to report this bill in favor of J. H. Hall. That individual was the inventor of the rifle commonly called Hall's rifle, which had been introduced and extensively used in the army of the United States. Before this description of arms had been put into the hands of our soldiers, they had undergone a rigid examination, and were proved by boards of officers at Fortress Mon-

roe, Greenleaf's Point, and Harper's Ferry, and were approved by the able and experienced officer at the head of the ordnance department, (Colonel Bomford.) Reports had been made by these boards of officers, among whom were General Eustis, Colonel Crane, and Major Hickman; all of whom, as well as Colonel Bomford, concur in bearing testimony in favor of the rifle.

The board convened at Fortress Monroe stated that, in long ranges of ———, although the rifles were fired with the usual charge of powder, viz: two eighths the weight of their bullet, and the muskets with the increased proportion of two fifths the weight of the ball, the relative execution was found to be in favor of Hall's rifle; that, after having undergone 8,710 discharges, the rifle appeared to be in a fit condition for service, considering the severe proof to which it had been subjected; that it was equal to the service of sixteen active campaigns; and that further proof was considered unnecessary, and was consequently discontinued.

Captain Hall was also the inventor of machinery for the identical construction of the different parts of firearms. He had accomplished what no other mechanic had been able to accomplish in this or any other country—the identical construction of firearms. This name had been given to the parts of firearms which were all perfectly equal, and made with such uniformity that, after dismounting any number of these guns, and mixing their different parts promiscuously together, we were able, from the confused mass of materials, to form a perfectly fitted arm with the utmost facility, and without regard to the particular stocks from which the mountings had been stripped. As evidence that Captain Hall had accomplished this most desirable object, he referred to a portion of the report of a board of practical armorers, appointed in 1827, to examine the rifle and machinery invented by him. They say:

"In making this examination, our attention was directed, in the first place, for several days, to viewing the operations of the numerous machines which were exhibited to us by the inventor, John H. Hall. Captain Hall has formed and adopted a system in the manufacture of small arms entirely novel, and which, no doubt, may be attended with the most beneficial results to the country, especially if carried into effect on a large scale.

"His machines for this purpose are of several distinct classes, and are used for cutting iron and steel, and for executing wood work, all of which are essentially different from each other, and differ materially from any other machines we have ever seen in any other establishment.

"Their general merits and demerits, when contrasted with the several machines hitherto in general use for the manufacture of small arms, will, perhaps, be better understood by pointing out the difference of the results produced by them, than by any very accurate description of the machines themselves.

"It is well known, we believe, that arms have never yet been made so exactly similar to each other, by any other process, as to require no marking of their several parts, and so that those parts, on being changed, would suit equally well when applied to every other arm, (of the same kind;) but the machines we have examined effect this with a certainty and precision we should not have believed till we witnessed their operation.

"To determine this point, and test their uniformity beyond all controversy, we requested Colonel Lee, acting superintendent of the United States armory at this place, to send to Hall's armory five boxes, containing 100 rifles manufactured by him in 1824, and which had been in the arsenal [United States arsenal] since that period. We then directed two of his workmen to strip off the work from the stocks of the whole hundred, and also to take to pieces the several parts of the receivers, so called, and scattered them promiscuously over a long joiners' workbench. One hundred stocks were then brought from Hall's armory, which had been just finished, and on which no work or mounting had ever been put. The workmen then commenced putting the work taken from off the stocks brought from the United States arsenal on the 100 new stocks, the work having been repeatedly mixed and changed by us and the workmen also; all this was done in our presence, and the arms, as fast as they were put together, were handed to us and minutely examined. We were unable to discover any inaccuracy in any of their parts fitting each other, and we are fully persuaded that the parts fitted, after all the changes they must have undergone by the workmen, as well as those made designedly by us in the course of two or three days, with as much accuracy and correctness as they did when on the stocks to which they originally belonged.

"If the uniformity, therefore, in the component parts of small arms is an important desideratum, which, we presume, will not be doubted by any one the least conversant with the subject, it is, in our opinion, completely accomplished by the plan which Captain Hall has carried into effect. By no other process known to us (and we have seen most, if not all, that are in use in the United States) could arms be made so exactly alike as to interchange and require no marks on the different parts; and we very much doubt whether the best workmen that may be selected from any armory, with the aid of the best machines in use elsewhere, could, in a whole life, make a hundred rifles or muskets that would, after being promiscuously mixed together, fit each other with the exact nicety that is to be found in those manufactured by Captain Hall."

An attempt had been made by the Government of France, as early as 1722, to accomplish the identical construction of firearms; but it was abandoned, after expending a large amount in the experiment. The attempt was renewed in 1785; some hundreds of sets were made, but, on being subjected to proof, it was found that the arms were only similar, not identical, and the effort was again abandoned.

Mr. T. said that Captain Hall had spent the best part of a long life in the fabrication of arms, and machinery connected with their manufacture. He had obtained patents for his invention, according to law; and both his rifles and carbines, as well as the machinery for their identical construction, had been introduced and were extensively used in our armory. The bill which had been reported made an appropriation of $20,000, to be paid to Mr. Hall for the right of using his arms and machinery by the United States. A sum equal to this had been paid by an act of the last session to Captain Bell, of the ordnance, for his patent right to his new mode of pointing cannon; and he considered the improvements of Captain Hall as a much more important invention. There had not been a full meeting of the Military Committee when he was instructed to report the bill. The sum fixed on was the lowest proposed by any member present. He had no doubt that, if all the facts were understood by the Senate, a larger sum would be voted to Mr. Hall. The statements now on our table sustained this opinion. They could be read, if any Senator wished it. The Senator from Mississippi [Mr. BLACK] said there was some prejudice against Hall's rifle. Mr. T. said that was true. He had himself entertained strong prejudices until the arm had been distributed, and had come into actual service. He was convinced of its durability and usefulness. He had been, as it were, raised with a rifle in his hand; and, after a careful examination of the one now referred to, he was glad to state his confidence in its importance. The reports of the different boards of skilful officers would, he hoped, convince the Senate.

The Senator from South Carolina [Mr. PRESTON] objected to the second section of the bill, on account of the provision it contained for the employment of Mr. Hall in our armory at Harper's Ferry. Mr. H. was now employed, he believed, under a regulation of the Department. His services had been found indispensable; he had been continually making improvements in the machinery used there. If the bill passed, the Executive was authorized to employ Mr. H. at a salary not exceeding $2,500, and his services could be dispensed with whenever the President or Congress thought proper. Mr. Hall had been offered double the amount proposed to be given him by the bill, by an agent of a foreign Government, for leave to use in that Government his patent right for his invention; but he had rejected the proposition, and chose to depend on the justice and liberality of his own Government.

Mr. T. said that it had been his duty, as a member of the Committee on Military Affairs, to bring this subject before the Senate. He had done so in a manner that would, he believed, give the members a proper understanding of the case. If, however, further information was called for, the rest of the report could be read. He felt, personally, no solicitude on the subject. He knew that other arms, more recently invented, had been presented at the War Department, and that a board had been directed to examine and prove them. But that board was unable to prosecute that duty satisfactorily during the cold weather of last month. A report need not be expected before we adjourn; and he would be content should the Senate postpone the decision of this case until the next session, or determine upon it at this time. He could not doubt that the inventor of this valuable and useful improvement would one day be amply compensated by our Government.

Mr. PRESTON also explained; but observed that various discoveries had been made since the rifle of Captain Hall, which might possibly supersede it. To settle this point, a series of experiments had been instituted, and were proceeding at this time. He doubted the propriety of passing the bill in the mean time. He admitted the merit of that part of Captain Hall's invention by which the various parts of a musket were made so uniformly that they might promiscuously be taken, and at once be put together, and would fit perfectly.

Mr. TIPTON further explained, and vindicated the provisions of the bill. It was not imperative, but only permitted the Executive to employ his services as long as they might be needed, at a salary not exceeding $2,500 a year.

Mr. LINN testified, from the result of experience on the Western frontier, to the merits of this rifle, of which he spoke in high terms.

Mr. BLACK moved to lay the bill on the table; which motion prevailed, and the bill was laid on the table accordingly.

COLONEL ARBUCKLE.

The bill for the relief of Colonel Matthew Arbuckle, of the United States army, having reference to certain land claims in Louisiana, was considered as in Committee of the Whole, and explanations of it, involving various legal considerations, were given by Mr. SEVIER in its favor, and by Messrs. PRESTON, BLACK, BUCHANAN, and FULTON, in opposition.

On motion of Mr. BUCHANAN, the bill was amended by requiring Colonel Arbuckle to pay $1 25 per acre to the United States for the lands in question, on his acceptance of the bill: Ayes 16, noes 11.

A motion to lay the bill on the table was negatived, by yeas 16, nays 17. And having been further amended, it was lost, on the question of its engrossment, by yeas 16, nays 16.

After the consideration of several other bills,
The Senate adjourned.

TUESDAY, FEBRUARY 28.

INAUGURATION OF PRESIDENT OF THE UNITED STATES.

The PRESIDENT *pro. tem.* presented a letter from the President elect of the United States, informing the Senate that he would be ready to take the usual oath of office on Saturday, March 4, at 12 o'clock, noon, at such place and in such manner as the Senate might designate.

Mr. GRUNDY offered a resolution for the appointment of a committee of arrangements, to make the requisite preparations for administering the oath to the President elect of the United States.

Mr. CLAY said he would like to inquire whether precedents had been examined on this subject. He was aware that the Senate had always had a peculiar agency in this business; but he was not aware why the Senate should act upon it any more than the House, or why it was not a joint concern. He remembered that, on the first election of Mr. Monroe, the committee of the Senate applied to him, as Speaker of the House, for the use of the chamber of the House; and he had told them that he would put the chamber in order for the use of the Senate, but the control of it he did not feel authorized to surrender. They wished also to bring in the fine red chairs of the Senate, but he told them it could not be done; the plain democratic chairs of the House were more becoming. The consequence was, that Mr. Monroe, instead of taking the oath within doors, took it outside, in the open air, in front of the Capitol. Mr. C. mentioned this for the purpose of making the inquiry, what was the practice, and on what it was founded, and why the Senate had the exclusive care of administering the oath.

Mr. GRUNDY said the committee had found no authority but several precedents, which were in strict accordance with the proposition now proposed to be made. He did not recollect any instance in which the House had participated in it; and, in fact, the House, as such, had no existence, their term having expired on the preceding day. The committee had examined three cases of more modern date, and had found nothing in opposition to the practice proposed. If the committee could not get into the House, they could go out of doors.

The resolution was adopted, and the Chair was authorized to appoint the above-named committee of three members.

THE DISTRIBUTION QUESTION.

The Senate, proceeded to the consideration of the fortification bill; and the question being on the amendment reported by the Committee on Finance, viz: to strike out the second section of the bill, which contains the provision for the distribution among the States of any surplus which may remain in the Treasury on the 1st of January, 1838—

Mr. CALHOUN regretted that the committee had not made a written report on so important a recommendation.

Mr. WRIGHT explained that the second section of the bill being neither more nor less than the bill formerly introduced by the Senator from South Carolina himself, the case was fully understood by all the Senate, and needed no consumption of time to explain it. As to a written report, there had been no time to prepare one, even had the committee deemed it necessary.

Mr. CALHOUN reminded the Senate of the triumphant majority by which the deposite bill had been adopted at the last session; and as there had occurred nothing

since then to change the principle of the measure in any respect, he was content to rest the present question on the principles then so unanswerably established, and the discussion by which they had been defended at the last session.

Mr. WRIGHT said that the principles which had governed his course last year did remain unchanged, and should govern it now. As to others, he presumed their votes last session had been governed mainly by the fact that a large surplus was actually in existence, and must be disposed of in some way. Such was not now the fact; and if any gentlemen should change their course, it was for them and not for Mr. W. to give the reasons for such change.

Mr. CLAY inquired whether it was the intention of the chairman of the Finance Committee and those with whom he acted, that if a surplus arose it was to be left in the hands of the deposite banks, where it drew an interest of two per cent., while in the hands of the States it would yield six. He was anxious to know what was to be the policy of the administration in regard to this matter.

[Mr. WRIGHT interposed, to say that its policy would be to have no surplus.]

Then (replied Mr. C.) take the land bill, like an honest man, and there is a perfect remedy for the difficulty. Mr. C. then adverted to the remarks made by Mr. RIVES, in the discussion of the expunging resolution, as to the democratic character of the Senate, and appealed to the body now to show whether it would justify this character by opposing a measure coming to it from the confesesdly democratic branch of the Government. He called upon all who had voted for the distribution bill of the last session to rally round their own principles, and oppose the striking out. But, by way of compromise, he proposed the adoption of the land bill, &c. He concluded by demanding the yeas and nays.

Mr. BUCHANAN said he was one of those who intended to vote against the amendment to the fortification bill which had been adopted in the House, directing that the surplus revenue exceeding five millions of dollars which might remain in the Treasury on the first day of January next, should be deposited with the States, under the provisions of the deposite act which had passed at the last session of Congress. As he had advocated the passage of that act, it became necessary that he should make a few observations explanatory of the course which he purposed to pursue on the present occasion.

Mr. B. stated that there was but little analogy between these two measures, unless it might be that they were both called deposite bills. This was the chief point of resemblance. The principles upon which the present proposition was now advocated were entirely different from those which had been assumed by the friends of the deposite bill of the last session. And here he must be permitted to express his regret that the Senator from Kentucky [Mr. CLAY] seemed to have abandoned his bill to distribute the proceeds of the public lands among the States. For his own part, he infinitely preferred that measure to the one now before the Senate.

What were the principles (said Mr. B.) upon which the deposite bill of the last session rested? There was then a vast sum of public money, beyond the wants of the Government, in the deposite banks, whilst an absolute certainty existed that at the end of the year this surplus would be greatly increased. At that time, these banks were not bound to pay any interest on their deposites. These accumulations of public money were loaned out by them to indivjduals, whilst all the profits arising from such loans went into the pockets of their stockholders. A wild spirit of speculation was thus fostered, which threatened to destroy the regular business of the country, and to convert our public domain into paper money. The enormous evils of this system were palpable. The banks were then inflicting deep injuries upon the country, by the manner in which they used this money; and it was every day becoming more and more uncertain whether they would be able to meet the demands of the Government, when called upon for this purpose.

Under these peculiar circumstances, what was to be done? We were compelled to choose between two great evils. We must either have suffered the money to remain in the banks, and subjected the country to the consequences; or it became our duty to deposite it with the States, and give them the advantage of using it until it should be required by the wants of the Government. No other practical alternative could be presented. For my own part, I felt no hesitation in making my choice.

At that time it seemed to have been admitted by every Senator, that, as a general system, it would be extremely dangerous to the country annually to distribute the surplus in the Treasury among the States. No voice was raised in favor of such a principle. It was universally condemned. As a plan of general policy, a worse one can never be devised. If pursued, it must, in a very few years, destroy the character of this Government. Let it once be established, and all men can see the inevitable consequences. Every Senator and every Representative will then come to Congress with strong feelings directly hostile to the best interests of the Federal Government. Instead of having our eyes exclusively fixed upon those great national objects intrusted to our care by the constitution, we would be more or less than men if we could banish from our minds the consideration that the full amount of every appropriation for such purposes would be so much deducted from the surplus to which our respective States would be entitled at the close of the year. The question will then be not merely what appropriations are necessary to promote the general interest of the country, but blended with this question will be another--how much can be withheld from those purposes, and to what extent can the dividend of our own States be thus increased? For example: a proposed fortification will cost half a million; in voting for or against it, the consideration will necessarily obtrude itself, would it not be better, would it not be productive of more good, to distribute this sum among our own States? In peace, it is our duty to prepare for war. With this view, a proposition is made to increase our navy. This may be necessary to protect our commerce, and to present such an array of our power to foreign nations, that they will not dare to injure our citizens, or to insult our flag upon the ocean. In voting upon such a proposition, how easily may we delude ourselves with the idea that there is no danger, and that the country will derive more real benefit from expending the necessary amount upon railroads and canals in the respective States. Every dollar which can be withdrawn from the General Government is a dollar given to the States. Establish this policy, and you set up a principle, to use a Senatorial word, *antagonistical* to the constitutional and efficient exercise of the powers of the Federal Government. You will thus paralyze the energies of this Government, and reduce it to almost the same feeble condition in which it was placed under the old articles of confederation. Can the Senator from South Carolina [Mr. CALHOUN] deny, has he denied, that this would be the effect of such a system? Under its operation, will it not always be a question how much will this or will that appropriation for national purposes deduct from State dividends? You thus present to the very agents selected to administer the Federal Government the strongest temptations to violate their duty.

The deposite bill of the last session was advocated upon the principle that it was to be a single operation, and

to be justified alone upon the extreme necessity which then existed. What is now the state of the case? This amendment has been ingrafted by the House upon an ordinary appropriation bill. From the very nature of such bills, they ought to be, and generally are, confined to grants of money for the execution of existing laws, and for carrying into effect the settled policy of the country. To unite this deposite section, in the same bill, with the appropriations necessary to complete our system of fortifications, is to declare to the world that it has become a part of our settled policy. Does any necessity now exist for the adoption of such a measure? Are we now placed in the same situation in which we were at the last session of Congress? Will there be any surplus in the Treasury on the 1st of January next, beyond five millions? Has this fact been ascertained? Shadows, clouds, and darkness, rest upon the question. Whether there will be or not is uncertain, contingent, dependent upon the action of Congress, and upon the speculations in the public lands. My own impression is, that, if there should be a surplus, it will be comparatively small; unless this very proposition for its deposite with the States should be the means of creating it, by defeating the passage of important bills for the defence and benefit of the country. What necessity now exists for the adoption of this measure? If there shall be a surplus when Congress meet on the 1st of December next, it will then be time enough to provide for its disposition. One great objection to this measure is, that it will make the extreme medicine of the constitution its daily bread. It has already become so familiar to us that Senators are now willing to insert it in an ordinary appropriation bill, and thus make it the settled policy of the country. It should be the exception, not the rule. Above all, it is a remedy to which we ought never to resort until we know that a surplus exists, or are absolutely certain that it will exist. Sufficient for the day is the evil thereof.

I shall not now speak of the unhappy influence which this system of distribution would exert upon the State Governments themselves; because I have not risen to make a general speech, but merely to place my own conduct, in relation to this subject, in its true light.

And now, sir, permit me again to express my sorrow that the Senator from Kentucky [Mr. CLAY] had not been willing to postpone this question, and to wait until the next session. Then his land bill might be presented to Congress under brighter auspices than it has ever been heretofore. If a choice is to be made between that bill and a system of distributing surpluses, it will not be difficult for me to decide. There is, in my judgment, no comparison between the two. If you grant the proceeds of the public lands to the States as their right, this is one source of revenue which you withdraw from the control of Congress. Our system of policy would thus be rendered fixed and stable. We could then accommodate our duties on imports to the necessary expenses of the Government, and our tariff would not be subject to those perpetual changes which must ever exist whilst we derive a portion of our revenue from such a fluctuating source as that of the public lands. The States would receive this money, not as a matter of bounty, but of right. They would, therefore, not feel dependent for it upon the General Government. Nearly all the evils attendant upon a distribution of the surpluses would thus forever be avoided; and Congress would then be compelled to raise the revenue necessary to defray the expenses of the Government from the customs and from other taxes. This would introduce a wholesome spirit of economy into our councils, without making it the interest of the Senators and Representatives in Congress to array themselves against appropriations for objects of a national character. I should therefore have rejoiced, had the Senator from Kentucky adhered to his land bill and opposed this amendment, which, if it should prevail, must destroy that measure. For my own part, I shall vote to strike this amendment from the bill, without the slightest apprehension of subjecting myself to the charge of inconsistency.

Mr. RIVES explained, in reply to Mr. CLAY, that his remarks, as to the aristocratic character of the Senate, had no reference to the individual character of its members, but to the constitution of the entire body, in its collective capacity, as farthest removed from an expression of the popular will.

As to the appeal of the Senator to the majority of the Senate to exhibit a deference to the will of the people, as expressed by a vote of the other House, it would have had more weight had it been seconded by the example of the Senator himself. Mr. R. then alluded to the stern rejection of the three million appropriation for fortifications, which had been proposed by the House of Representatives on a former memorable occasion. The Senate was now committed before the world to a system of policy which was opposed to the accumulation of surplus revenue; and there was not the slightest inconsistency if, in adherence to that policy, it rejected a measure which was founded on a policy directly the reverse of this. Mr. R. adverted, as Mr. BUCHANAN had done, to the different circumstances in which the Senate had been placed at the last session, as a sufficient reason why he had advocated a similar measure, at that time, to that which he should now oppose.

Mr. PRESTON was understood to say that the Senate had been regarded and represented as an aristocratic body while it was opposed to the administration, but ceased to be so when it changed to the opposite side in politics. He regretted that it was so officially termed at the time, and hoped hereafter that it would not be so referred to at all.

The observations (he said) of the Senator from Virginia [Mr. RIVES] were sound and judicious, so far as they related to facts; but Mr. P. had come to a different conclusion from that which Mr. R. had drawn from the premises. In the case of very large appropriations, from an abundance of money, the question readily occurred whether it might not be saved for their constituents; thus avoiding a wasteful and inexpedient expenditure. Could not the money be saved now for their constituents or for the States. The tendency of a surplus was to make members of Congress negligent and prodigal, which could only be corrected by their being stimulated to the very inquiry which the gentleman from Virginia had suggested. Could it be expected that such an inquiry would make them niggardly and parsimonious? The annual expenditure was now $30,000,000 or $40,000,000. Could there be any danger, in this state of things, of too great economy? We were about to be overwhelmed by a surplus, which we might get clear of either by distributing among the States, or by swelling the expenditure so as to absorb it. If one or the other of these measures must be perpetual, Mr. P. would prefer habitual distribution to habitual exorbitant expenditure. The former, though an evil, had attached to it a degree of justice. The latter, a continued wasteful and prodigal expenditure, was the worst possible condition of the body politic. But Mr. P. was opposed in both forms to this eternal sweat, and would much rather reduce it at once by the lancet.

Mr. P. said he regarded the measure of distribution as having a strong tendency to produce the very event of inquiry to which he had alluded. Pass now the measure of distribution, and it would arouse the States to look, not into the tariff, but into the annual Government expenditure of $30,000,000; and they would ask, why is all this squandered? Why is not the amount reduced within reasonable limits, and the residue given to

us? The result (Mr. P. urged) of this would be that the expenditure would be reduced to some fourteen or sixteen millions.

The diseased action of this Government, Mr. P. said, had ever been over-action. Too much power was concentrated here, and the whole system was overloaded. The measure of distribution would arouse the States, and suggest an inquiry into the means of saving the expenditure of the people's money; and there was no danger of its being reduced too low. The powers and wants of the original Government were few and simple; it was for some time kept within the proper sphere of its action, and was all that the people could desire. But Congress had strengthened the Executive by expenditures, which must all go through his hands. Mr. P. desired to relieve the wants of the country; but he was still more desirous that the Government should be reduced to its proper action.

Gentlemen differed (said Mr. P.) in regard to the question whether there would or would not be a surplus. But if there should be a surplus, did they intend that it should remain in the banks? If there should be a surplus, all concurred in the expression of the opinion that it ought to be distributed. But suppose there should be none, a law of distribution would not take effect, and could, therefore, be the cause of no evil. It was best (he said) to guard on the side of danger, on the supposition that there might be a surplus. Gentlemen up to the close of the last session insisted that there would not then be a cent of surplus, and they came upon us with the full cry of wait, wait till there is a surplus. Was it proper to wait till the danger was upon us, or to provide beforehand even for its possible occurrence? If there should be no surplus, there would, in any case, be no danger. They ought to provide for the danger, which could possibly result in no harm if there should be no surplus, notwithstanding gentlemen argued that the law would have a deleterious effect on the minds of the people. If there should be no surplus, there was no possibility of its debauching the people. The only safe mode was to provide for a distribution.

But the probability was, that there would be a surplus; and, small or great, it was better to distribute it among the States than leave it in the banks. If there, the bubble of paper circulation, promoted by it, would burst, and it would be in danger; though the loss to the Treasury would be slight, in comparison of the general calamity. Let it be generally understood that when there should be a surplus, the banks were not to have it, but it would go back to the States. Some of them had turned the back of the hand for a moment when it was presented; but where was the State that had actually refused to receive it? Some of them were coy in their words; but when a great evil was to be avoided, they thought it better to get clear of it by submitting to the loss. Some States had said they would not touch it. But every one had received it. Congress ought to adopt the measure of distribution till the people should be aroused, and the expenditures and the revenue should be brought down to the economical wants of the Government.

Mr. CUTHBERT, having alluded rather indistinctly to the position which Georgia occupied in relation to this subject, said that his friend from South Carolina had stated very justly that some means ought to be devised to prevent extravagant expenditure. But had he been as zealous in providing the proper means of doing it, as in condemning the Government for raising the expenditures? Or when one administration raises their expenditures, did he propose that another should commit, as a remedy, an immediate robbery on the people, collecting their money for the purpose of distribution? His friend, he thought, had fallen into the extreme of error, proposing to open the way for improper taxation, and only throwing flowers over the mysterious way, which might hide his pit-fall.

Was this Government (Mr. C. asked) established to levy taxes; to collect, as trustees, the money that was to be expended by the States? Certainly not. When it collects taxes, is it to do it for the use of the States? Is it prudent and wise to engage the Government in operations not intended by the constitution? On the other hand, is not every operation of this kind to be avoided? Mr. C. would ask the Senators from South Carolina, when first this measure was resorted to, was it not through fear and anxiety? And had it not inverted the regular administration of the Government? Could a single instance be cited in which new and extraordinary measures of this kind had not led to evil?

And was there no danger to the Government from this new principle? Could any gentleman, however sanguine in his temper, fail to perceive that this operation would create a disturbance in the machinery of Government? What would be the necessary effect of the measure? The States would get into the Treasury by anticipation, and by imagination it would already be theirs; and not until after the Government was properly sustained would the remainder go to the States, but certain remnants would be left by them for the use of the Government. Representatives from the States would come here to procure the means of excessive internal improvements, and would leave the Government just so much as would maintain a miserable existence.

But there was also another view of the subject. Such was the pride and perversion of reason in the human mind, so great was the complication of motives that might be brought to bear upon it, that it was impossible to determine, in some cases, even between two opposite results. It might, therefore, be that the States would sink to a pitiful dependence on the Federal Government. And who dared deny that this might take place? Taken either way, it was a great evil in the proper machinery, and eminently disturbing the principle of Government. How great would be the mischief, it was impossible to determine; but even this uncertainty, in one sense, made it the more terrific. Was this measure, then, to be cherished and encouraged? Mr. C. called upon Senators who had an influence and name with the American people to maintain those great principles on which their safety and happiness depended.

The Senators from South Carolina had acknowledged, not only by their actions but their words, that there was no reason to apprehend a surplus in the coming year. This, then, was a new dread of a surplus, which had arisen suddenly, since Saturday last at six o'clock; (alluding to the origin of the proposition for distribution in the House.) That (Mr. C. said) was the date of this new anxiety.

Mr. NILES here made some remarks on the subject, in opposition to distribution, and unfavorable to the Senate, when opposed to the administration.

Here a short conversation took place, by Messrs. CLAY, WRIGHT, WEBSTER, and BENTON, on the subject of suspending the action on the bill till to-morrow; which, however, was not formally proposed.

Mr. BROWN remarked that the subject of the debate, which he had no disposition to prolong, had no connexion whatever with the main object of the bill. This he deemed a sufficient objection to the proposition as now presented, even if there were no objection on principle. The provision for distribution came intrenched behind the fortification bill; and he deemed this a system of legislation radically wrong, in which two great questions, wholly distinct, were so connected that Senators might be compelled either to take both, or else to lose both together.

The Senator from Kentucky had said that the present proposition was identical with that of the last session. Mr. B. thought there was a most material difference between them, and, in fact, no similitude at all. At the last session, there was an actual ascertained surplus; but now there was no surplus actually in the Treasury. There was only a possibility that it might accumulate. The one was a case of absolute necessity, the surplus having accumulated during several preceding years. But now they were called on to provide for a distribution of a surplus which might never occur.

The measure, he said, would be an injury to the State Governments, by inducing them to enter upon extravagant schemes of improvement, in anticipation of a surplus. Expectations would be excited by the act, which would never be realized. This, stimulating them to extravagant schemes, would throw them into difficulty, and do an unknown amount of mischief. And why legislate at all on the subject at this juncture? The provision in the bill proposed a distribution of the surplus on the 1st of January next; but, before that time, another session of Congress would commence, and there would be time enough then to legislate on what was certain, and not uncertain or improbable.

Another objection to the measure was, that it would tend to fix perpetual distribution on the General Government. The distribution law of the last session Mr. B. believed to be judicious, and the lesser of the two evils, one of which was unavoidable. But he would not contribute to the establishment of a system which he considered pernicious. And legislation of this kind, in so quick succession, he thought was calculated to fix the system upon us.

The country, he thought, must feel greatly indebted to their watchful guardians, who were for dividing a surplus among them which had no existence except in imagination. Mr. B. had always supposed that, when a trust had been committed to trustees, they had discharged their duty faithfully when they distributed funds after they had actually accrued. But here gentlemen proposed to execute a trust which had not yet devolved upon them.

But there was another aspect in which the question might be viewed, of great importance to the Union, and especially to the planting States of the South. No system which the advocates of the tariff could devise would be better calculated than this system to perpetuate the tariff. If Congress would give in to the system of annual distribution, this country would not, for years, if ever, be relieved from the tariff system. From the want of time, Mr. B. said he should forego some of the remarks which he had intended to make on this subject.

Mr. CALHOUN said the question was now brought to the single point, of what discrimination there was between this bill and the other, and whether this was unwise and that a wise one. Gentlemen admitted that the situation of the banks last year and now was precisely the same. The next point of the Senator from Pennsylvania (for others had followed almost exactly in the track which he had stricken out) was, that when the law of last year was passed, there was a large surplus in the Treasury, while now there was none. But (said Mr. C.) notwithstanding the distribution on the 1st of January last, our Treasury is as full now as it was at that time.

Mr. C. here went into the details of various statements and estimates, to prove this assertion. He made the sum in the Treasury now $42,000,000. The income of the customs last year he said was $21,000,000; which differed by $2,000,000 from his estimate for the present year. The imports, he said, were regulated by the exports, which were now known. The exports of cotton were greater than in the year preceding, and the price was now rising, and would probably continue to rise. The rice crop, also, was rather better, though the tobacco was not quite as much; so that the products for export in 1837 might be fairly put down to equal those of 1836. The profits of trade were never higher, and the customs would probably not be less than $25,000,000 or $30,000,000, though in his estimate he had made the customs rather less than last year.

In relation to the revenue from the public lands, Mr. C. had been guided more by the opinions of others who had more experience, and he had set it down at eight or nine millions of dollars. To this was to be added the stock in the United States Bank, which would make an aggregate, for the year, of $42,000,000.

The question now, whether there would or would not be a surplus, depended (he said) on the answer to the question whether Congress would appropriate all this money. Would politicians of the Jefferson school, who had expelled the old administration, partly on account of its prodigality in an anuual expenditure of some $12,000,000, would they go so far as to appropriate even $27,000,000? At this Mr. C. would place the expenditure, though he thought the extreme ought not to exceed fifteen or sixteen millions, and the average not more than twelve or fourteen millions. There would then be a surplus of some fifteen or seventeen millions, with the enormous expenditure which he admitted might be made.

Last year, the reiterated predictions that there would be no surplus had proved to be false. This year they would be equally so. There was a heavy surplus now, and, without extraordinary expenditures, there would be at the end of the year. There were two reasons which he thought decisive in urging at this time the measure of distribution. One was, that if they made no disposition of the surplus, the scenes of last year would be renewed; the banks would loan extravagantly, relying on the surplus as banking capital, and would extend speculation every way and to every thing. This state of things the President himself had denounced; and yet, notwithstanding past experience and these denunciations of the President, we were now told to omit this measure for preventing such a result. The opposite course (Mr. C. said) was the true one. Pass this law now, and it would check extravagance and speculation, and remedy the very disordered state of the currency, which would otherwise be still more disordered. This would meet fully and decisively the two first objects of the Senator from Pennsylvania and of every Senator.

The next argument was, that the passage of the bill would familiarize us to a system of distribution, which might thus be permanently ingrafted on the administration of the Government; whereas distribution ought to be an exception, and not the rule. To this latter proposition Mr. C. agreed most heartily; and no man urged it more than he. He was the first to denounce such a system, and his opinion on this point had undergone no change whatever. It ought to be an exception, and not the rule. His own language was, that it was to be used as medicine, and not as food; and the provisions of this very bill were founded on the disordered condition of the republic. It was in the congestive state, and this bill was intended to remove the obstructions. But the dose must be repeated till the system should become healthy. In Mr. C's opinion, the measure ought to be repeated while the revenue should be going down, till the time of its reduction to the economical wants of the Government. It might require repetition again and again; while the scheme, as a permanent one, would be perfectly absurd. As such, there was not the smallest reason to fear that the people would ever come into it. General Jackson, in two of his messages, had strongly recommended it; but, with all his popularity and power,

even he could not carry it; and nothing but absolute necessity had ever effected the passage of the former bill, or could effect the passage of this; and that this had already passed the House was decisive proof that it was a measure of necessity.

The Senator from Pennsylvania was in favor of reducing the revenue; and so was Mr. C. Early in the session, the Senator from New York and himself passed some words on the subject, and Mr. C. then told him that he had no faith in a reduction at this session, which was difficult at all times, but was now attended with insuperable difficulty. There were then two measures in view, one of which was to reduce the tariff of 1833. Mr. C. thought then there was very little prospect of the passage of such a law, or of a law reducing the revenue from the public lands. Yet, if they would and could reduce, he said, go on and do so. It was now the last day but one, and there was no hope that the bill for reducing would pass. The administration majorities in both Houses had failed of reduction. Would they now leave the money in the hands of the banks? Mr. C. trusted they would not. There were now but three alternatives, one of which was to leave the money in the banks. Would Congress do this, receiving only two per cent., and that not on the whole, but only a part of the amount, when it was well known that with them it was at least worth six per cent.? Were they to leave it with the banks, as an instrument for political purposes? Why should gentlemen recommend so extraordinary a course, so unequal, so partial, to avoid returning it to the people to whom it belonged? Why were they so averse to such a distribution? Was it to prevent the people from being corrupted? Were the people alone capable of being corrupted? Were the Government and banks all pure, while the people, the people alone, were corrupt and corruptible? Mr. C. however, would not argue in regard to the State Governments, as he thought they of course must be perfectly safe.

The second alternative (Mr. C. said) was to expend this enormous amount. That had already been contemplated as a dangerous error. In 1828, the income of the Government was raised enormously. We were now about in the commencement of the operation of raising the expenditure, and at the very time when the revenue was going down at about an annual average of $2,000,000 till 1842. Mr. C. thought $12,000,000 or $15,000,000 a most ample provision; especially as the fortifications and other defences being nearly completed, the expenses must be nearly limited to the civil list. The administration of Mr. Monroe was called extravagant in the expenditure of $10,000,000, which was the extreme annual amount. The appropriations then for fortifications and the army were called most extravagant. But now gentlemen could not be contented with less than $20,000,000 or $30,000,000; and at this rate the expenditure would very soon overrun the income. We must then raise the tariff or cut down the expenditure. These sudden vibrations (Mr. C. said) were all wrong. This want of looking forward, this wilful blindness to the future, was wholly unworthy of those who had the management of the republic. The responsibility and the danger was great, if either this bill should be lost, or if a resort should be had to extravagant expenditures.

The last and only remaining alternative was a deposite of the surplus with the States. It was now late in the session, and Mr. C. would not further consume the time; but what he had said was ample to show that there was no material distinction between the case now and that of the year preceding.

Mr. BENTON said, when the distribution bill of the last session was up, it was represented as one operation. But it made way for others. At the next session, he then thought there would be another proposition for one year more; at the next, again for two years; and so on, till, finally, the whole scheme would become forever perpetual and eternal. But he had not counted on the good fortune to the country that at this session the friends of the scheme would come forward with a proposition that it should be perpetual. And this matter was calculated to have so much the more favor, as eternity was greater than time. Mr. B. rejoiced that the entire magnitude of the proposition now stood revealed. The system (Mr. B. said) of permanent distribution was now avowed openly and aboveboard. Let us go on with the word *deposite*, and attach it to the harbor bill and every thing else. The word *requisition* was worn out during the confederacy, and led to the adoption of this Government, which was established for the sole purpose of being independent, with power to call for the money to carry it on. It was now proposed to annihilate the very ground on which the Federal Government was formed. The scheme was disclosed, and there was now no doubt that the high intelligence and incorruptible virtue of the people would look for a different project.

We had now, then, got a proposition for a permanent distribution, and the surplus was not intended to be appropriated, but to be distributed. And could any one doubt that Congress would not find a perpetual fund? Yes, they would find it. There were interests beyond that would have ample power to back and to bribe them; interests that were cemented together on the ground of resisting appropriations, and of resisting a reduction of the revenue also, and of increasing it from all its sources. They were now for yielding to the act of compromise, throwing around it the sanctity which was now claimed for it. The duty on wine had been already reduced, in contravention of the compromise; and when it should expire, in June, 1842, on the next morning, when Congress would be untied from the obligations in which the act had tied them up, on that very morning of the 1st of July, Congress would instantly restore the protective duties, and fill the Treasury to overflowing, and not with the continual current of a rill across the continent; on that day an act would be passed, compared to which that of 1828 was only a trifle. They would then want $50,000,000 or $100,000,000.

Mr. B., in the midst of some incidental remarks, alluded to the bill of Mr. CALHOUN for ceding the public lands to the States. Where was the person, he asked, who was simple enough to suppose that this proposition for distribution did not surrender that bill, leaving nothing but the bone to support a shadow? The lands that could now be got for $1 25 per acre would in 1842 be raised to $5 and $10 per acre. Let this bill pass, and farewell to that bill; farewell to the extinction of the federal title to lands, in favor of the States; farewell to all graduation of the price of the public lands. If this bill should pass, the Treasury would be kept for the purpose of being ravaged—the spoil of political scramblers, and nothing but a remnant would be left for the immolated victim, the duped and ruined Federal Government. We know the young States are to be devoured by the old, and hence the measure is the more odious to the West. The land bill of Mr. CLAY was far preferable to the measure now presented. That bill gave 12½ per cent. of their own carcass to the new States. But this gave not one slice, not even a lick of their own blood.

If driven to the alternative, Mr. B. would take that in preference to this; but, rather than take either, he would place his hat on his head and walk out of the Capitol, never again to behold the inside or outside of its walls. Mr. B. rejoiced that the proposition had been brought forward at this early stage, with the purpose of making it perpetual, habitual, eternal, and that the word

was even ostentatiously used, thrown in their faces, and driven down their throats.

And now for the Senator from Ohio, [Mr. EWING.] That Senator had favored Mr. B. with a few words quoted from a speech of his. He had read it as he found it, and as Mr. B. had spoken it, and never in his life had he been better understood. The Cherokee treaty, the Florida war, and innumerable bills, all of which, he said, were for working the machinery of Government, providing for the pay of officers of Government, and for improving the condition of the country, belonged to the working of Government machinery. Mr. Jefferson's purchase of Louisiana for fifteen millions of dollars was not extravagant, and it would not be charged as the means of working Government machinery. At that time men charged it to the expenditures for the support of the common family.

He would now say a word on the subject of a surplus. No word in the English language had been so much abused as this, for the last twelve months. Gentlemen asked last year for a division of the surplus. But did they put it in the bill? No; it was not surplus, but appropriated money, which they recaptured and distributed among the States. Mr. B. here read over several appropriations which had not been expended. These, he said, were unexpended balances from the last year, because the appropriations were made too late. But they would never be abandoned, and the taxes must be kept up for the purpose of paying them. On the 1st of January next, there would be ten or twelve millions of unexpended appropriations. Now, he asked, what is surplus money under our laws? Here he read from the law, that appropriations were valid for two years after their passage. This act, he said, had been in force forty years, and this bill would go to violate it. No word, then, was more abused than the word *surplus*. Gentlemen were unwilling to insert the reserved $5,000,000, as over and above all appropriations.

The revenue, Mr. B. maintained, was in greater danger in the United States Bank than in the deposite banks. But what had the Government to do with banks? They were built on the surplus money, banks upon banks.

We had already seen the fatal effects of this measure on this session. All kept it in their eye, and stood together, resisting appropriations and a reduction of the revenue, and swelling the amount. What effect had this measure on the bill sent to the other House, on the 25th of February, for reducing the revenue? If there had been no scheme for distribution, that bill would have been acted on immediately. But now, by this scheme, that bill lay paralyzed, and probably dead forever. It would be seen that, when the revenue was to be reduced, the surplus party would stand together and vote against it. It would be so on appropriations; their vote would be one and indivisible, and they would be for raising the duties on the 1st July, 1842, and for raising the price of the public lands. Let gentlemen take their course. Those who voted for this bill would also vote for a permanent distribution, and to raise the duties in the tariff of 1842, and to deny pre-emption to settlers. Whatever might be their intentions, such would be the effect of their votes.

Mr. BUCHANAN must say, in candor, to the Senator from South Carolina [Mr. CALHOUN] that he had entirely failed to convince him he was wrong. Of one thing, however, he had convinced him, and that was that the Senator, in fact if not in profession, was one of the very best tariff men in the country. Let him succeed in supporting this amendment which had been adopted by the House; let him succeed in establishing a system of distribution as the settled policy of the country; and then what will be the inevitable consequence? High taxes upon imports will be maintained for the purpose of raising money to distribute; we shall no longer hear of reducing the revenue of the country to its necessary expenditure; we shall then have no difficulty in disposing of the surplus; it will go to the States as a matter of course; and our whole system of government will thus be changed.

For my own part, (said Mr. B.,) I should be sorry to reduce the tariff below the proper limit. I am in favor of affording to our domestic industry all the incidental protection which can be yielded to it in raising the revenue necessary for the wants of the Government. Indeed, if any thing could reconcile me to the doctrines of the Senator, it would be the protection which they must necessarily afford to our manufactures. Let this amendment pass the Senate, as it has already passed the House, and who can believe that the tariff will ever be reduced? If all the surplus money which can be collected by this Government is to be distributed amongst the several States, this will perpetuate high duties forever. It is not, however, either my intention or my wish to quarrel with him on this account. If he will, by advocating this system of policy, force upon us a high tariff, my constituents will bear their part of the dispensation with Christian fortitude.

I am sorry now to believe in the truth of the declaration of the Senator from Missouri, [Mr. BENTON,] that the land bill is a lifeless corpse. I have clung to that measure, through good report and through evil report, until it has been abandoned by all its other friends, and I am left as the only mourner of its unhappy fate. Dead and gone, as it appears to be, I shall not do its memory so much injustice as to compare it with the system of distribution which its former friends have now adopted in its stead.

The land bill would be the safety-valve, the regulator of our system of revenue and expenditure, without inflicting any of the evils on the Federal Government which must flow from annual distributions of the surplus in the Treasury.

What is the theory of our Government under the constitution? Congress possess the power to levy and collect taxes. For what purpose? To accomplish the great objects specified in the constitution. This power of levying taxes carries with it an immense responsibility. The representatives of the people, when they know that all the money they appropriate must be taken from the pockets of their constituents, will be careful to expend it with economy and discretion. But we possess a vast reservoir of wealth in our public lands, so irregular in its current that, in one year, it pours into the public Treasury twenty millions, and in the next it contributes but one tenth of that sum. This deranges all our legislation, and renders all great interests of the country fluctuating and insecure. It encourages extravagant appropriations by Congress, and banishes economy from our legislation. It leaves every interest in doubt and uncertainty. In one year, when we have more money than we know how to expend, we hear the cry that the tariff must be reduced; the revenue must be diminished to the necessary expenditures of the Government; protection must be withdrawn from our manufactures. The next year, perhaps there may be a reaction. Speculation in the public lands may have exhausted itself, and the receipts of the Treasury from this source may be greatly diminished. What comes then? The tariff must be raised; the duties on imports must be increased to meet the necessary wants of the Government. Thus the public mind is kept in a perpetual state of excitement. No domestic interest can calculate upon any fixed and steady protection. We are in a state of continual doubt, public opinion fluctuating with the fluctuations in the sales of the public lands. None of the great interests of the country can ever flourish, unless they can calculate,

with some degree of confidence, upon some steady and certain course of legislation in relation to themselves. Now, sir, a distribution of the proceeds of the public lands among the States would remedy all these evils, and correct all these anomalies of our system. It would secure to us a settled policy, upon which the country might rely. It would draw off from the General Government this eccentric source of revenue, and distribute it among the States. We should then be left where the constitution intended to place us. The Government would then be administered on its original principles. All our expenditures would then be derived from the taxes which we might impose on the people, and the tariff would thus be rendered fixed and certain. Whatever protection might then be afforded would be stable. Under such circumstances, an incidental protective duty, comparatively small, would be of more real value than a much larger one, subject to all the risk and uncertainty which now exist. A manufacturer, whilst embarking in business, would not then dread lest the policy of Congress might change before he could get into successful operation. There would then be no taxes raised from the people to be distributed among the people. We should hear no more of surpluses.

Combining some such a disposition of the proceeds of the public lands with an arrangement, as to the lands themselves, which would be satisfactory to the new States, the system might thereby be rendered perfect and permanent. I am strongly impressed with the belief that a plan might be devised which would meet the approbation of all reasonable men in the new States, whilst the just rights of the old States would be amply secured. But all hope of such a consummation has almost departed. The friends of the land bill have cast it aside. Even the Senator from Kentucky has abandoned the promising child which he had adopted and nursed so long and so tenderly, and is now caressing and cherishing the ill-favored bantling which is now before the Senate.

Has any argument which I urged when I first addressed the Senate been answered by the gentleman from South Carolina? [Mr. CALHOUN.] He says that it is a reflection upon the virtue and patriotism of the American people and their representatives, to suggest that they would withhold the necessary appropriations from the Federal Government, because the States might expect to receive what would remain unexpended in the Treasury at the conclusion of each year. Can this inference be fairly drawn from my argument? Every wise legislator, of every age, in framing any plan of government, has always taken care that the duty of those who were to administer it should not clash with their interests. In other words, that those who were to work the machine should not have any strong feeling opposed to its sucessful operation. Man, in his best state, is but a frail being. If you place his interest upon the one side and his duty upon the other, the history of the human race abundantly proves that he has too often abandoned his principles for the sake of promoting his private advantage. Lead us not into temptation, was the prayer of Him who best understood human nature. Am I, then, to be charged with reflecting upon the American people, because I believe they will be influenced by the motives which have swayed all mankind from the beginning? What wise man would ever think of establishing a constitution which would place the interest of the Governors in opposition to a correct and efficient administration of the Government? Would not this be emphatically the case, if you say to the Senators and Representatives in Congress that you shall have every dollar of surplus in the Treasury at the end of each year, for the use of your own States, which you can withhold from national objects? I would ask the Senator, if he were about to erect a house, and desired to have it elegantly and substantially built, whether he would put a given amount for that purpose into the hands of his agent, upon condition that the whole surplus which he could save, after the work was completed, should be his own property? This would be offering him a premium to be faithless to his trust. No, sir; I deny that, in applying to the American people the laws which govern human nature generally, I am treating them with disrespect. I merely say that they are mortal men, and not angels. I should be the last man to distrust their patriotism, because I firmly believe that, comparing them with the rest of mankind, they are, in the mass, more pure and more virtuous than any other nation upon the face of the earth.

Our own history presents us a useful lesson upon this subject. Let us refer to the days of the confederation; and what was then the state of things? Did the different State Governments pay into the Federal Treasury their contingents, which were due upon every fair principle? Would the debts of the Revolution have ever been discharged, had the old confederation continued to exist? No, sir. The members of the State Legislatures refused to tax the people of the respective States for these purposes. They were placed in such a position that their duty to the Government of the confederation was at war with the interests of their constituents; and the consequence was, that Government became a mere shadow--destitute of power, and incapable of performing its most necessary functions. Yet these men, who refused to perform their duties, were the very men who had perilled every thing in the cause of liberty.

I voted for the deposite bill of the last session on the very principles then maintained by the Senator from South Carolina. At that time we heard nothing from him which would authorize us to infer that he intended to make the extreme medicine of the constitution its daily bread.

[Mr. CALHOUN here explained. He said that the bill introduced by him at the last session contained a distribution for several years.]

Mr. B. continued. I was perfectly aware of that fact; but with whom did this portion of his bill find favor? Is it not notorious that he abandoned it himself? He advocated the bill as an extreme remedy for an extreme case, and justified the measure from its absolute necessity.

The patient was then in a state of the most alarming plethora. The danger of apoplexy was imminent. We bled him copiously in order to save his life. But now, if we are to believe my friend from Georgia, [Mr. KING,] whose opinions upon this subject are entitled to great consideration, our patient will ere long be as lank and lean as the knight of La Mancha. He is now threatened with a galloping consumption. Shall we, then, Sangrado like, continue to bleed? When the symptoms change, the treatment should be different. Although I do not concur with the Senator from Georgia in the opinion he has expressed in regard to the future state of the Treasury, yet I cannot perceive the least necessity, under existing circumstances, to pass another deposite bill. I can never consent to make that which was an exception, under a peculiar state of things, the general rule of our conduct. It is so rendered still more emphatically by attaching this amendment to a common appropriation bill. If you introduce this policy, as a general system, you will change the whole theory and practice of our Government.

What effect will this principle probably produce upon the State Governments at home? They are now frugal and careful of the people's money, because their expenditures are derived from taxes levied upon the people. The members of the State Legislatures are placed in that condition of responsibility to their immediate constituents, which necessarily secures prudence and economy

in making appropriations. But let the flood-gates of the national Treasury be opened, let copious streams of money flow in upon them, and you will have wild and extravagant schemes for spending it, which may be ruinous to the States themselves. They will thus involve themselves in debts, and rely upon the national Treasury to pay them. This will produce pressure upon their representatives to get as much as they can from the General Government, and give as little as they can to national objects.

I would put a question to my friend from Arkansas, [Mr. SEVIER.] We have removed and are about removing all the Indians east of the Mississippi to the country west of his State and that of Missouri. These turbulent and restless savages will all be imbodied on the Western frontier of these States. The Government are bound by every principle to yield their citizens protection. Chiefly for this necessary purpose, the Senate has passed a bill to increase the rank and file of the army. Does the Senator believe that the bill will ever become a law, should we adopt the system of distributing surpluses among the States?

[Mr. BENTON exclaimed "never, never,"]

The two principles are as much opposed to each other as light and darkness. If the surplus derived from taxation is to be annually given to the States, all appropriations in Congress will fail, unless such as may be made under the pressure of immediate and pressing necessity.

I voted for the deposite bill last year because no other practicable mode existed of relieving the Treasury, and removing the money from the deposite banks. But no such necessity now exists. No man now knows whether there will be a surplus or not. If there should be, as I think there will, it will be small, unless, indeed, this very bill should create it by defeating those measures in the other House necessary for the defence of the country, and the reduction of the revenue to the standard of our expenditures.

Mr. WALL said he voted for the distribution bill of the last session, but he never did intend to adopt the principle as one upon which he would act in all future circumstances, or which he would make into a system. If circumstances should be the same at that time, he would act upon it according to his judgment. But they were now entirely different. It was not now the question how the money in the Treasury on the 1st of January, 1838, should be disposed of, but whether they should now sanction, by a deliberate act, a system of log-rolling legislation. The bill, without this distribution provision added to it, providing for the common defence of the country, was distinctly within the limits of the constitution. Who would not say that it was his duty to provide for the defence of the country? The bill to which this amendment was ingrafted was introduced in the House on the 21st of December, 1836, (the same bill failed last year,) and was acted on, so far as concerned the appropriations, in the Senate bill till the 27th of February. In the original bill there were appropriations for fortifications in Maine, Massachusetts, Connecticut, Rhode Island, New York, Maryland, Virginia, Louisiana, and Florida, and one or two others. These provisions were for defence, and were clearly and unequivocally constitutional. But when it was brought to the Senate, there was connected with it a measure for dividing, not what was now a surplus, but a surplus which depended upon prophecy. Mr. W. was not willing to legislate on prophecy. There might or might not be a surplus on the 1st of January, 1838; and if there might not be, Mr. W. would not make provision for what might not take place. If there should then be a surplus, there would be men here then as honest and faithful as now, and there would be time enough for them to legislate on facts. All acknowledged that distribution was an evil which ought not to be encouraged; and if it must take place, the next Congress could provide for it. Were they afraid to trust them with the question, and would they therefore legislate not only for the present, but for futurity? There was as much evil in too much legislation as in too little, especially in legislating for evils which might or might not exist.

Mr. W. said he had no interest in the deposite banks. They were not of his party, but of the party opposed to the administration. If gentlemen would investigate, they would find that, in every instance, there was either a majority of the stock opposed to the administration, or a majority of the directors; and all the hue and cry against the deposite banks was made by the political friends of those who controlled them. Mr. W. therefore had no interest in them on political grounds. But the strongest objection to the amendment (provision) was that it was an improper mode of legislation. And in what situation would this species of legislation place some of the Senators who last year opposed appropriations for these fortifications, but would vote for them this year with a small amendment added, which had no connexion with the original bill? [Mr EWING, of Ohio, said nearly every one voted for the bill last year.] Mr. W. said he spoke from the record; he would not recite it, but refer to it. Let gentlemen look at it themselves. Mr. W. was for making proper appropriations for the welfare of the country, but he protested against this log-rolling system of legislation, connecting together subjects totally distinct, and compelling members to take both or neither.

Mr. WEBSTER said the Senator from New Jersey was certainly under a mistake. A bill for certain new works was opposed at the last session. But the bill known as the common fortification bill was not opposed.

Mr. BENTON said perhaps there would be found in this fortification bill a part for new works.

Mr. NILES and Mr. CRITTENDEN also addressed the Senate on the subject of the amendment of the House to distribute the surplus revenue; after which,

The Senate took a recess.

EVENING SESSION.

DISTRIBUTION QUESTION.

The Senate resumed the consideration of the bill from the House, making appropriations for fortifications, &c. for the year 1837, the question being on a motion to strike out the section of the bill which provided for a deposite of the surplus revenue, on the 1st of January next, with the several States.

The debate was continued to a late hour with much earnestness, when the question was taken on the motion above stated, and decided as follows:

YEAS—Messrs. Benton, Black, Brown, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, Wright—26.

NAYS—Messrs. Bayard, Calhoun, Clayton, Crittenden Davis, Ewing of Ohio, Hendricks, Kent, Knight, Moore, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tomlinson, Webster, White—19.

So the motion to strike out the provision for the distribution among the States of the surplus revenue on the 1st of January next, was decided in the affirmative.

And, thus amended, the bill was ordered to a third reading.

The various bills which were yesterday ordered to a third reading were severally read a third time and passed.

The bill concerning pilots came up on its third reading.

Mr. CALHOUN objected to it, as relating to a subject which required considerable attention, and as one which

he was rather disposed to think properly belonged to the several States.

Mr. WALL explained the objects of the bill in detail, and urged the importance of its passage.

Mr. WRIGHT also spoke in favor of the bill; and it was then passed.

LIGHT-HOUSES, &c.

The Senate proceeded to consider, as in Committee of the Whole, the bill making appropriations for light-houses, light-boats, buoys, &c., for the year 1837.

Mr. DAVIS from the committee, offered various amendments to the bill, (mostly inconsiderable,) one of which requires the Navy Commissioners to examine the premises before any appropriations shall be applied; which amendments were all adopted.

Mr. CALHOUN expressed his high approbation of this amendment, objecting, however, to the whole system, and especially to the practice of making appropriations before the examinations are actually made.

The bill was still further amended, on motions of Messrs. RUGGLES and HENDRICKS, and was then ordered to be engrossed for a third reading.

Mr. RUGGLES stated that the aggregate amount appropriated by this bill was something over $500,000.

POST OFFICE DEPARTMENT.

On motion of Mr. ROBINSON, the bill to give security to correspondence between the United States and foreign countries was amended by a substitute, providing for an increase of the number and compensation of clerks and watchmen in the Post Office Department, and for the erection of a new building for that Department.

Mr. ROBINSON stated that the Postmaster General had recommended to the committee a reduction of postage, as there was a large surplus of money in the Department. A majority of the committee were, however, of the opinion that it ought to be applied in increasing mail facilities; for which purpose this substitute was now introduced.

Mr. KNIGHT stated that the minority of the committee were of the contrary opinion.

The substitute for the bill was adopted as the bill, which was ordered to be engrossed for a third reading, and subsequently passed.

FRENCH AND NEAPOLITAN INDEMNITIES.

Mr. WRIGHT moved the consideration of a bill anticipating the payment of indemnities accruing to citizens of the United States, under the convention with France of the 4th of July, 1831, and that with the Two Sicilies of the 14th October, 1832.

Much discussion was excited by this motion; but it was at length agreed to.

The bill was then reported, and ordered to its third reading, by yeas, and nays as follows:

YEAS—Messrs. Bayard, Buchanan, Clayton, Ewing of Ohio, Hubbard, Kent, Linn, Nicholas, Niles, Norvell, Page, Parker, Robinson, Ruggles, Sevier, Southard, Tipton, Walker, Webster, Wright—20.

NAYS—Messrs. Black, Davis, Hendricks, Moore, Swift, Tomlinson, Wall, White—8.

Many other bills were taken up, considered as in Committee of the Whole, ordered to a third reading, and passed; when the Senate adjourned.

WEDNESDAY, MARCH 1.

CHEROKEE INDIANS.

Mr. SOUTHARD presented the memorial of 2,500 Cherokee Indians, both east and west of the Mississippi, in relation to the treaty with their tribe ratified at the last session of the Senate, remonstrating against that treaty as fraudulent in its origin, and oppressive in its effect, and praying an investigation of the subject by Congress.

Mr. S. moved that the memorial be laid on the table and printed.

Mr. PRESTON opposed the printing, as a useless expense, and as tending only to create pernicious agitation.

Mr. SOUTHARD disclaimed all disposition to debate the question; but, after stating the nature of the petition, appealed to the Senate in behalf of what he represented as the wish of the great body of the Cherokee nation, that the late treaty should be examined into. It was too late in the session to hope for any action in the case, but he hoped the printing of the memorial would not be refused.

Mr. TIPTON, after referring to the late period of the session as not allowing of debate upon such a question, moved to lay the motion to print upon the table; which was agreed to.

BOOKS FOR COMMITTEE ROOMS.

The resolution introduced by Mr. WALL, for supplying the committee rooms of the Senate with various works published by order or under the superintendence of Congress, was read a third time; and the question being on its passage—

Mr. WALL explained its provisions, and stated that the total sum to be expended under the resolution would not much exceed $800.

Mr. EWING moved to amend it by adding to the list of works in the resolution Elliott's Debates and Diplomatic Correspondence.

Mr. SOUTHARD supported the resolution in a few remarks.

Mr. BENTON went at length into a speech in opposition to the resolution, which he deprecated as itself a useless expenditure, as scattering the books which ought to be kept together under the care of the Secretary, and as leading to the establishment of a library for each committee room, &c.

Mr. CALHOUN joined the opposition to the measure, as but the commencement of a system of expense, &c.

On motion of Mr. BENTON, the resolution was laid on the table.

TEXAS.

Mr. WALKER called up his resolution for the recognition of the independence of Texas, on which a debate of much interest arose. Mr. W. advocated his resolution by a speech of much earnestness, in which he pressed the claims of Texas for recognition with much devoted ardor.

He was followed by Mr. PRESTON, on the same side, who went into an extensive review of the history of Mexico, from the period of her recognition by our own Government to the present time, whence he deduced the argument that she never had, in fact, exercised control over Texas, and was in no condition now to enforce her claims of sovereignty. He then went into a similar review of the history of Texas, past and present, and argued to show that she was fully capable of performing the duties and sustaining the responsibilities, both domestic and foreign, which belong to an independent Government.

Mr. NORVELL said that, somewhat more than two months ago, the President had transmitted a message to the Senate of the United States, concerning the civil, political, and military condition of Texas, and its relations with Mexico. In that message he observed the following passage: "It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least,

an immense disparity of physical force on the side of Mexico. The Mexican republic, under another Executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion. Upon the issue of this threatened invasion the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions."

It is true, sir, (said Mr. N.,) that this second invading army has not penetrated into Texas. It is true that not a hostile foot is to be found in Texas. But it is equally true that the late chief of the Mexican republic has been released from imprisonment by the Texian Government, and that he has returned home. It is probable that this course was agreed upon by both of the contending parties, with the understanding that, if public sentiment in Mexico should be found to authorize it, the Mexican chief would himself lead the way in recognising the independence of Texas. If no such understanding had taken place, was it certain that another invasion of Texas, more formidable than the first, would not be attempted? In either event, it would be more prudent in this Government, more wise, more consistent with the delicate relations which exist between the United States and Mexico, to wait until we see the result of the return to that country of the Mexican chief, before we venture upon the decisive measure of recognition, and of throwing additional embarrassment in the way of a peaceful adjustment of our serious differences with Mexico. The policy of this Government, with regard to foreign nations and to the domestic contests which take place among them for power, had, from the time of Washington to the present day, been cautious, prudent, and strictly impartial. We have always waited until their new Governments had acquired stability, and were placed beyond the probability of change, before we recognised their independence.

The Executive of this country could not, it would be remembered, be induced to acknowledge the independence of the Spanish American republics, until they had carried on their struggles with Spain for several years; and this, too, when we had no serious differences to adjust with that monarchy. The contest for Texian independence has not been going on for more than one year. We have, at this time, difficulties of such magnitude with the republic of Mexico, that the President of the United States had recommended reprisals against her. The Senate, two days ago, unanimously voted against the adoption of any such hostile measure towards that republic. And could they now, consistently with that vote, prematurely commit the peace of the nation? Could they now, honorably, take advantage of the weakness and distractions of Mexico, and recognise the independence of Texas, without knowing what course the Mexican chief himself would take on the subject? Would this be magnanimous? A short delay would remove all difficulty. This delay would not be incompatible with the indulgence of all our sympathies for the Texians. In a month or two we should learn the views of Santa Anna in relation to Texas. In the mean time, the Executive, charged with the foreign relations of the country, ought to be permitted to act according to circumstances, upon his own responsibility, with respect to the acknowledgment of Texian independence. This course would be in harmony with the action of the other branch of the Legislature on the subject. They had made an appropriation to enable the President to send a diplomatic agent to Texas, whenever he should receive satisfactory evidence that she was actually an independent Power, and deemed it expedient to despatch a minister to that country. Mr. N., therefore, submitted a substitute for the original resolution, declaring "that whenever information, satisfactory to the President of the United States, should be received, that Texas has in successful operation a civil Government, capable of performing the duties and of fulfilling the obligations of an independent Power, it will be expedient to acknowledge the independence of that republic." It would, he said, be observed, that while the language and spirit of his amendment were similar, in most respects, to the resolution adopted by the Senate at the last session upon the same subject, there was this material variation, in the amendment, from the resolution: that was an abstract and general declaration; this devolved upon the President the responsibility of deciding when such a state of things might exist as to justify the recognition of Texian independence. The amendment would obviate the necessity of delaying this recognition until the next session of Congress, if, in the judgment of the President, it could be safely and wisely made before that time.

Mr. WALKER objected to the amendment, as not advancing the Texian cause beyond the point at which it stood last session.

Mr. CALHOUN also opposed the amendment, and spoke for a short time in support of Mr. WALKER's resolution.

Mr. CLAY inquired whether the resolution was intended to be followed up by any, and what, legislative action. He objected to the resolution, as covering not only the legislative but also the executive functions of the Government. Though he should prefer that the question should lie over a little longer, yet, if the question were put to him in any shape in which, as a legislator, he was called to give an affirmative or negative vote, he should, in conformity with the principles on which he had always acted in reference to the South American States, give an affirmative answer. But there would then remain behind the very grave and important question of annexation; on which he would at present express no opinion. They were entirely distinct questions; and a vote on the one would not commit any man on the other. As the question would come up, however, on the appropriation bill from the House, he should prefer, if agreeable to the mover, to move at present that it be laid upon the table.

Mr. WALKER said that there would be no inconsistency in adopting his resolution, and then voting on the item in the appropriation bill. The latter was contingent in its character, but this resolution gave a positive expression of the opinion of the Senate. He contended for the propriety of such an expression of opinion, and against casting the whole burden of responsibility on the Executive.

Mr. BUCHANAN, after expressing his best wishes for the success of Texas, and his confident hope of it, contended that this was not the moment in which it became us to act. Every one knew that the success of Texas, thus far, had been achieved mainly by men and resources drawn, in fact, from the people of the United States, though without any recognition of its Government; and as the people of Texas had adopted a resolution that, as soon we should recognise their independence, they would immediately apply for reception into the United States as a State of this Union, we might expose ourselves, in the view of the world, to the strongest suspicions of a departure from that impartiality which we had always observed toward other nations. As Santa Anna had had his life given him by the people of Texas, and was likely to return with acclamations to the Government of Mexico, would it not be better to wait and see whether he would not fulfil the promise he had been understood to have made of using his great influence in

favor of his liberators? Mr. B. did not believe he would have the least desire to try a war with Texas again.

[At this stage of the debate, the Senate took its daily recess.]

EVENING SESSION.

The Senate resumed the consideration of the resolution on the independence of Texas, the question being on the substitute offered by Mr. NORVELL.

Mr. PRESTON addressed the Senate at some length, chiefly in reply to Mr. BUCHANAN, urging that former precedents not only warranted but required the express action of Congress at this time, the subject having been referred to them by the President, and the facts being such as not only to justify but demand a recognition. He urged both the impropriety of referring the subject wholly to the President, and his unwillingness to trust with him the whole responsibility. He insisted that for Congress to wait till Mexico should recognise the independence of Texas was at variance with all former precedents.

Mr. BUCHANAN, waiving reply, moved to lay the resolution on the table; which motion was negatived, by the following vote:

YEAS—Messrs. Brown, Buchanan, Clayton, Davis, Hubbard, King of Alabama, Knight, Morris, Nicholas, Norvell, Page, Prentiss, Ruggles, Swift, Tallmadge, Tipton, Tomlinson, Wall, Wright—19.

NAYS—Messrs. Bayard, Benton, Black, Calhoun, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Linn, Moore, Mouton, Niles, Parker, Preston, Rives, Robinson, Sevier, Spence, Strange, Walker, White—22.

The amendment offered by Mr. NORVELL was lost, by yeas and nays, as follows:

YEAS—Messrs. Brown, Buchanan, Clayton, Davis, Hubbard, Knight, Morris, Norvell, Page, Prentiss, Ruggles, Swift, Tallmadge, Tomlinson, Wall, Wright—16.

NAYS—Messrs. Bayard, Benton, Black, Calhoun, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Moore, Mouton, Nicholas, Niles, Parker, Preston, Rives, Robinson, Sevier, Spence, Strange, Tipton, Walker, White—25.

The original resolution, as offered by Mr. WALKER, was as follows:

"*Resolved*, That the State of Texas having established and maintained an independent Government, capable of performing those duties, foreign and domestic, which appertain to independent Governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in conformity with the laws of nations and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States."

The question on agreeing to this resolution was decided as follows:

YEAS—Messrs. Bayard, Benton, Black, Calhoun, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Linn, Moore, Mouton, Niles, Parker, Preston, Rives, Robinson, Ruggles, Sevier, Spence, Strange, Walker, White—23.

NAYS—Messrs. Brown, Buchanan, Clayton, Davis, Hubbard, King of Alabama, King of Georgia, Knight, Morris, Nicholas, Norvell, Page, Prentiss, Swift, Tallmadge, Tipton, Tomlinson, Wall, Wright—19.

So the resolution was agreed to.

The announcement of this vote called forth some applause from the gallery, which was promptly checked by the Chair.

NAVAL SERVICE.

On motion of Mr. DAVIS, the Senate proceeded to the consideration of the bill making appropriations for the naval service for the year 1837.

The amendments offered by the committee were adopted.

On motion of Mr. RIVES, the bill was further amended, by appropriating $100,000 to launch and secure the United States ship of the line Pennsylvania.

Mr. CALHOUN remarked that the balances on hand for the naval service amounted to about $4,800,000. This, with the appropriations of this bill, would make the whole a very large sum, rather greater than the whole expenditure of Government under Mr. Monroe, and about equal to the highest entire expenditure under Mr. Adams.

Mr. RIVES replied that these appropriations were in addition to outstanding balances, except where the contrary was expressed in the bill. The objects, he said, were distinct. Former outstanding appropriations were for the completion of works begun; but the objects of the appropriations of this bill were new and distinct.

Mr. CALHOUN said he would now say to the Senate that this bill, in connexion with previous appropriations, would put under the control of the Navy Department something like $12,000,000.

The bill was then ordered to a third reading, and subsequently read a third time and passed.

OLD HARBORS, &c.

On motion of Mr. DAVIS, the Senate proceeded to consider the bill making appropriations for certain harbors, and for the removal of obstructions at the mouths of certain rivers.

Several amendments from the committee were adopted.

On the amendment to this bill, proposed by the committee, for the relief of the citizens of Alexandria,

Mr. WRIGHT called for the yeas and nays; which were ordered. He remarked that this amendment was identical with the bill lately passed by the Senate for this purpose, and protested against this mode of legislation, by which members might be compelled either to vote for an amendment having no connexion with the objects of the bill, or to vote against the bill itself.

Mr. DAVIS admitted the mode to be generally exceptionable. But the committee, he said, were influenced by the considerations that this measure ought to pass, and that the bill sent to the other House for this purpose, loaded as it was there with other important business, was not likely to pass in that House. He proceeded to show that justice demanded this appropriation for Alexandria, and that the amount would but just place Alexandria on the same footing with Georgetown and Washington, which cities had obtained so much greater aid from Congress on the Holland debt.

This amendment was further and earnestly discussed by Messrs. PARKER, WRIGHT, NILES, BUCHANAN, KENT, and PRESTON, and was carried in the affirmative, by the following vote:

YEAS—Messrs. Bayard, Black, Buchanan, Clayton, Davis, Ewing of Illinois, Fulton, Hendricks, Kent, King of Alabama, King of Georgia, Knight, Linn, Moore, Nicholas, Norvell, Parker, Preston, Rives, Robbins, Sevier, Spence, Walker, White—24.

NAYS—Messrs. Benton, Brown, Hubbard, Lyon, Morris, Mouton, Niles, Page, Prentiss, Ruggles, Strange, Swift, Tallmadge, Tipton, Tomlinson, Wall, Wright—17.

Mr. HENDRICKS moved to amend the bill by appropriating $50,000 for the improvement of the navigation of the Wabash river. Negatived.

Also negatived, an amendment offered by Mr. MOORE, of $100,000 for the completion of the canal around the Muscle shoals, in Tennessee river.

Mr. WALL moved to amend the bill by an appropriation of $9,900 for Raritan river; which he pressed with great ardor and perseverance, in which he was earnestly supported by Mr. SOUTHARD.

After must debate, this amendment was lost in committee: Yeas 16, nays 16; but was carried afterwards in the Senate: Yeas 21, nays 14.

An amendment by Mr. WALKER, of $5,000 for the mouth of Pascagoula river, and of $1,000 for that of Pearl river, was lost in committee: Ayes 10, noes not counted; and lost again in Senate: Ayes 12.

Mr. LYON moved to increase the $15,000 in the bill, for a pier at the mouth of St. Joseph's river, to $30,000. Negatived.

An amendment by Mr. EWING, of Ohio, of $20,000 for the mouth of Maumee river, was lost in Senate.

Also, of $12,000, by Mr. LYON, for Kalamazoo river.

The bill was then ordered to a third reading.

GENERAL APPROPRIATION BILL.

Mr. WRIGHT, from the Finance Committee, reported the appropriation bill for the civil and diplomatic expenses of the Government for the year 1837, with numerous amendments; which were agreed to.

Mr. WEBSTER moved to amend the bill by inserting $5,000 to complete the law library of Congress, according to a catalogue to be furnished by the Chief Justice of the United States. It was agreed to.

Mr. WALKER moved to amend the bill by increasing the salary of the recorder of the General Land Office to $2,500; which was agreed to.

Mr. WRIGHT moved to insert $2,000 for the salary of a secretary of legation to Mexico. Agreed to.

Mr. PARKER moved to insert $30,000 for the purchase of the manuscripts of Mr. Madison, containing a record of the debates of the convention.

Mr. HUBBARD asked the yeas and nays; which, being taken, stood as follows:

YEAS—Messrs. Bayard, Black, Brown, Buchanan, Clayton, Crittenden, Ewing of Ohio, Fulton, Hendricks, Kent, Linn, Lyon, Mouton, Norvell, Parker, Preston, Rives, Robinson, Southard, Tallmadge, Walker, Wall, Webster, White, Wright—25.

NAYS—Messrs. Calhoun, Davis, Hubbard, King of Alabama, King of Georgia, Moore, Nicholas, Niles, Prentiss, Ruggles, Swift, Tipton—12.

Mr. BUCHANAN moved for statuary for the eastern front of the Capitol, $8,000.

He said he had been advised not to insert the name of any artist, although, from his knowledge of Mr. Persico, (on whose character and talents he pronounced a handsome eulogy,) he was strongly inclined to insert his name here, as it had been in the bill from the House. He, however, would waive doing so, in the hope that Mr. Persico might be appointed to execute the work.

Mr. WEBSTER advocated the amendment; but as art, like science, belonged to the world, and not to any particular nation, he was opposed to designating any individual artist, whether an American or a foreigner.

The amendment was agreed to.

Mr. FULTON moved an amendment for the compensation of the surveyor general of Arkansas, $2,000. Agreed to.

Mr. WALKER moved to amend the bill by striking out of the appropriation for the contingent appointment of a diplomatic agent to Texas the words "may receive satisfactory evidence that Texas is an independent Power."

Mr. W. advocated the amendment, on the ground that the Senate had this day decided that, in their judgment, Texas was independent.

The amendment was negatived, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Crittenden, Fulton, Hendricks, Linn, Moore, Mouton, Parker, Preston, Rives, Robinson, Sevier, Walker, White—16.

NAYS—Messrs. Brown, Buchanan, Clayton, Davis, Ewing of Ohio, Hubbard, Kent, King of Alabama, King of Georgia, Nicholas, Niles, Norvell, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—21.

Mr. PRESTON moved to strike out that part of the bill which relates to the salaries of librarian, assistant librarian, and messengers, with a view to increase them; but it was rejected.

On his motion, $400 was appropriated for part payment of the artist who made a bust of the late Chief Justice Ellsworth.

Mr. KING, of Georgia, moved an amendment for extra compensation to the judge of the district of East Florida, who had adjudicated on certain private land claims, $1,500, accompanied with a clause repealing the act for this charge in future. It was not agreed to.

The bill was then reported to the Senate. The amendments were agreed to, and the bill ordered to its third reading.

Several other bills received their third reading, were passed, and sent to the House for concurrence.

And the Senate then adjourned.

THURSDAY, MARCH 2.

BRIGS ENCOMIUM, ENTERPRISE, AND COMET.

Mr. CALHOUN said that it would be remembered that on his motion a resolution was adopted, requesting the President to communicate to the Senate the correspondence between this Government and that of Great Britain, in relation to the case of the brigs Encomium and Enterprise. He held in his hand the message of the President in answer to the resolution, from which he found that there was another case (that of the Comet) of a similar character, of which he was not aware when he made his motion, and which occurred as far back as 1832. He had read with care the correspondence, but, he must say, with very little satisfaction. It was all on one side. Our Executive has been knocking, (no, that is too strong a term,) tapping gently at the door of the British Secretary, to obtain justice, for these five years, without receiving an answer, and this in the plainest case imaginable. It was not his intention to censure those who had been intrusted with the correspondence on our part. They had written enough, and more than enough; but truth compelled him to say the tone was not high enough, considering the injustice to our citizens, and the outrage on the flag and honor of the Union. His remarks were intended more especially for the latter part of the correspondence, after the long delay without an answer from the British Government. At first, in so plain a case, little more could be thought necessary than a plain statement of the facts, which was given in a very clear and satisfactory manner in the letter of the President elect in the case of the Comet.

Without repeating what he said on the introduction of the resolution, he would remind the Senate of the facts of the case in the briefest manner possible.

The three brigs were engaged in the coasting trade, and, among other passengers, had slaves on board, belonging to our citizens, who were sending them to the Southwestern States, with a view to settlement. The Enterprise was forced, by stress of weather, into Port Hamilton, Bermuda, where the slaves on board were forcibly seized and detained by the local authorities. The other two were wrecked on the Keys belonging to the Bahama islands, and the passengers and crew taken by wreckers, contrary to their wishes, into Nassau, New

Providence, where the slaves shared the same fate as at Bermuda.

These were the essential facts of the case. He did not intend to argue the questions that grew out of them. There was, indeed, little or no ground for argument. No one in the least conversant with the laws of nations can doubt that these vessels were as much under the protection of our flag, while on their voyage, proceeding from one port of the Union to another, as if they were in port, lying at the wharves, within our acknowledged jurisdiction. Nor is it less clear, that forced as the Enterprise was by stress of weather, and taken, under the circumstances that the passengers and crews of the other two were, into the British dominions, they lost none of the rights which belonged to them while on their voyage on the ocean. So far otherwise, so far from losing the protection which our flag gave them while on the ocean, they had superadded, by their misfortunes, the additional rights which the laws of humanity extend to the unfortunate in their situation, and which are regarded by all civilized nations as sacred. It follows, as a necessary consequence, that the municipal laws of the place could not divest the owners of the property which, as citizens of the United States, they had in the slaves who were passengers in the vessels; and yet, as clear as is this conclusion, they were forcibly seized and detained by the local authorities of the islands; and the Government of Great Britain, after five years' negotiation, has not only withheld redress, but has not even deigned to answer the often-repeated application of our Government for redress. We are thus left by its silence to conjecture the reason for so extraordinary a course.

On casting his eyes over the whole subject, he could fix on but one that had the least plausibility, and that resting on a principle which it was scarcely credible that a Government so intelligent could assume—he meant the principle that there could not be property in persons. It was not for him to object that Great Britain, or any other country, should assume that or any other principle it might think proper, as applicable to its subjects; but he must protest against the right to adopt it as applicable to our country or citizens. It would strike at the independence of our country, and would not be less insulting than outrageous; while it would ill become a nation that was the greatest slaveholder of any on earth, notwithstanding all cant about emancipation, to apply such a principle in her intercourse with others. It is time to speak out boldly on this subject, and to expose freely the folly and hypocrisy of those who accuse others of what, if there be guilt, they are more guilty themselves.

Ours is not the only mode in which man may have dominion over man. The principle which would abrogate the propetry of our citizens in their slaves would equally abrogate the dominion of Great Britain over the subject nations under her control. If one individual can have no property in another, how can one nation, which is but an aggregate of individuals, have dominion, which involves the highest right of property, over another? If man has, by nature, the right of self-government, have not nations, on the same principle, an equal right? And if the former forbids one individual from having property in another individual, does not the other equally forbid one nation holding dominion over another? How inconsistent would it be in Great Britain to withhold redress for injustice to our citizens committed in the West Indies, on the ground that persons could not be property, while in the East Indies she exercises unlimited dominion over more than a hundred millions of human beings, whose labor she controls as effectually as our citizens do that of their slaves! It is not to be credited that she will venture to assume, in her relation with us, a principle so utterly indefensible, and which could not but expose her to imputations which would make her sincerity questionable. This she must see, and to the fact that she does he attributed her long and obstinate silence.

But it may be asked, why, then, does she not make reparation at once in so clear a case? Why not restore the slaves, or make ample compensation to their owners? He could imagine but one motive: she had among her subjects many whose fanatical feelings on this subject she was unwilling to offend; but, while respecting the feelings of her subjects, blind and misdirected as they are, she ought not to forget that our Government is also bound to respect the feelings of its citizens. Let her remember that, if to respect the rights which our citizens have over their slaves be offensive to any portion of her subjects, how much more so would it be to our citizens for our Government to acquiesce in her refusal to respect our right to establish the relation which one portion of our population shall have to another, and how unreasonable it would be for her to expect that our Government should be more indifferent to the feelings of its citizens than hers to any portion of her subjects. He, with every lover of his country, on both sides, desired sincerely to see the peace and harmony of the two countries preserved; but he held that the only condition on which they could possibly be preserved was that of perfect equality and a mutual respect for their respective institutions; and he could not but see that a perseverance in withholding redress in these cases must, in the end, disturb the friendly relations which now so happily exist between the two countries.

He hoped, on resuming the correspondence, our Government would press the claim for redress in a manner far more earnest and becoming the importance of the subject than it has heretofore done. It seemed to him that a vast deal too much had been said about the decision of the courts and the acts of the British Government than ought to have been. They have little or nothing to do with the case, and can have no force whatever against the grounds on which our claims for justice stand. However binding on their own subjects, or foreigners voluntarily entering her dominions, they can have no binding effect whatever, where misfortune, such as in these cases, placed our citizens within her jurisdiction.

If they be properly presented, and pressed on the attention of the British Government, he could not doubt but that speedy and ample justice would be done. It could not be withheld but by an open refusal to do justice, which he could not anticipate. As to himself, he should feel bound, as one of the representatives from the slaveholding States, which had a peculiar and deep interest in the question, to bring this case annually before Congress, so long as he held a seat on this floor, if redress shall be so long withheld.

GENERAL APPROPRIATION AND HARBOR BILLS.

The bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837, and the bill making appropriations for certain (old) harbors, &c. for 1837, were severally read a third time, and passed; the latter by the following vote:

YEAS—Messrs. Benton, Buchanan, Clayton, Davis, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Kent, Knight, Linn, McKean, Morris, Mouton, Nicholas, Norvell, Robbins, Robinson, Ruggles, Southard, Tallmadge, Tipton, Wall, Webster, Wright—26.

NAYS—Messrs. Calhoun, Clay, Hubbard, King of Alabama, King of Georgia, Moore, Parker, Preston, Rives, Strange, Walker, White—12.

ROAD BILL.

The bill making appropriations for the repair and con-

struction of certain roads (including the Cumberland road) having been taken up—

Mr. NORVELL, after making a few remarks, moved to strike out the fourth section, which provides for the repayment of the appropriation for the road out of the two per cent. fund.

The question on the amendment being taken by yeas and nays, it was rejected, as follows:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Hubbard, King of Alabama, King of Georgia, Knight, Lyon, McKean, Moore, Norvell, Preston, Ruggles, Southard, Spence, Webster, White—21.

NAYS—Messrs. Brown, Cuthbert, Dana, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Kent, Linn, Morris, Nicholas, Niles, Robbins, Robinson, Sevier, Strange, Swift, Tallmadge, Tipton, Tomlinson, Wright—22.

The bill was then ordered to a third reading, and passed.

TEXAS.

Mr. RUGGLES moved a reconsideration of the vote by which the resolution relative to recognising the independence of Texas was adopted, in order that he might change his vote, which was given, under misapprehension, in the affirmative.

Mr. WALKER was opposed to the motion, because he regarded it as a violation of the spirit of the rule, at least. If the vote were reconsidered, the result as to the resolution would not be disturbed. Being satisfied that this would be the case, and as time was now so precious, he felt it his duty to move to lay the motion of reconsideration on the table. Mr. W. withdrew the motion at the request of

Mr. CALHOUN, who said he concurred with the Senator from Mississippi in what he had said as to the rule. And Mr. C. did not regard the motion of the Senator from Maine as going the whole length of reconsideration; all that he wanted was to correct his vote. Mr. C. renewed the motion to lay the motion of reconsideration on the table.

Mr. HUBBARD asked for the yeas and nays, which were ordered; and the question was determined in the negative: Yeas 23, nays 25, as follows:

YEAS—Messrs. Bayard, Benton, Black, Calhoun, Clay, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Kent, Linn, Lyon, Moore, Mouton, Nicholas, Parker, Preston, Robinson, Sevier, Strange, Walker, White—23.

NAYS—Messrs. Brown, Buchanan, Clayton, Crittenden, Davis, Ewing of Ohio, Hubbard, King of Alabama, King of Georgia, Knight, McKean, Morris, Norvell, Page, Prentiss, Robbins, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—25.

The question then recurred on the motion to reconsider the vote by which the resolution was adopted, which was decided in the negative, as follows—the votes being equal:

YEAS—Messrs. Brown, Buchanan, Clayton, Davis, Ewing of Ohio, Hubbard, Kent, King of Alabama, King of Georgia, Knight, McKean, Morris, Norvell, Page, Prentiss, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—24.

NAYS—Messrs. Bayard, Benton, Black, Calhoun, Clay, Crittenden, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Linn, Lyon, Moore, Mouton, Nicholas, Parker, Preston, Rives, Robinson, Sevier, Strange, Walker, White—24.

DISTRIBUTION QUESTION.

A message having been received from the House of Representatives, disagreeing to the amendment of the Senate in striking out the 2d section of the fortification bill, providing for the distribution of the surplus revenue among the States—

Mr. WRIGHT moved that the Senate do insist upon its amendment.

Mr. CALHOUN expressed his hope that the Senate would recede, and not resist an expression of the will of the Representatives of the people, given by so decided a majority as was said to have voted in the other House.

Mr. CLAY said it was at least in order to indulge in suppositions as to what had passed elsewhere; and supposing the land bill to have been rejected in the other House, (a fact he rejoiced to hear,) could any Senator doubt that there would remain a large surplus in the Treasury, especially if other measures which had passed the Senate, and which contemplated large expenditures, should follow the fate of the land bill?

He urged the propriety of submitting to an expression of the popular will, so distinctly manifested as it had now been. Was it not wisdom to look ahead?—to provide for the future? If a surplus accumulated, was it not better to return it to the people of the several States than to leave it in the hands of the deposite banks? As to what had lately been said by the Senator from Pennsylvania [Mr. BUCHANAN] in regard to his favor for a land bill he had formerly had the honor to introduce, and the favorable prospects of that bill, Mr. C. had not seen any indications in the course of the Senate which would encourage much hope for that measure, (though Mr. C. did not finally relinquish hope in regard to it;) but although he should infinitely prefer such a disposition of the surplus revenue as that bill proposed, he would accept, as an alternative measure, the distribution clause inserted by the other House in the fortification bill, rather than leave the money in the deposite banks. Mr. C. said that the country owed its thanks to the other House for what it had recently done; he rejoiced to see light breaking out in that glorious quarter, so immediately related to the people; and was it possible that a majority of the Senate would oppose the ascertained popular will in relation to the disposition of the surplus revenue? The Senate had tried the House once, and they insisted on the amendment. They knew the ground on which they stood; they well knew that they were with the people in the stand they had taken.

Would the Senate, with all these facts before them, repeat the vote they had before given? He trusted not. He put it to the majority, who held the power of this body, whether they would not yield to the wishes of the people—wishes known not merely by the course of their Representatives, but through a thousand other channels, so that it was impossible to mistake it? Would gentlemen insist on leaving the public money in the hands of the deposite banks, and under such an agency as now superintended them?

Mr. CRITTENDEN made some remarks. He was understood to refer to the reproaches cast on him, and those who voted with him, on a former occasion, for the loss of the fortification bill; and to ask, if the fortification bill should now be lost, at whose door the blame would lie?

Mr. CALHOUN said the naked question was, whether the surplus revenue should be left in the deposite banks, or should be returned to the people to whom it belonged.

The question was now taken, and decided, by yeas and nays, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, Wright—28.

NAYS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, McKean, Moore, Morris, Prentiss, Preston,

Robbins, Southard, Spence, Swift, Tomlinson, Webster, White—22.

So it was resolved that the Senate insist on their amendment; and it was ordered that the House be notified accordingly.

FALMOUTH AND ALEXANDRIA RAILROAD.

The bill to aid the Falmouth and Alexandria Railroad Company to construct their road within the District of Columbia having undergone much debate, and some amendments, the Senate took a recess.

EVENING SESSION.

The Senate informally passed over the bill under consideration, and took up the bill for the relief of Furley Kellogg; which was ordered to a third reading.

They then took up the Indian appropriation bill, which had come from the House with amendments, covering the expenses of several Indian treaties on our Northwestern frontier, and sundry minor items for examining the country to the southwest of Missouri, and into the depredations in Florida previous to the war, and for the salaries of additional Indian agents.

After some remarks by Mr. WHITE, objections by Mr. SEVIER, and replies by Mr. TIPTON, the amendments were concurred in.

FALMOUTH AND ALEXANDRIA RAILROAD.

The Senate then resumed the bill respecting the railroad to Fredericksburg.

Mr. HUBBARD strenuously opposed the amendments to the bill, which, as he stated, went to appropriate $300,000 to the construction of the road. He asked the yeas and nays.

Mr. PARKER replied, contending that the money was to be spent exclusively within the District of Columbia, by which all constitutional objection was removed.

Mr. PRESTON advocated the amendments, stated the miserable state of the road at present, and asked why, when public works were made toward every other point of the compass, the moment any thing was proposed towards the South it was strenuously opposed.

After a desultory debate, in which Mr. KENT, Mr. HUBBARD, Mr. PRESTON, Mr. WALKER, Mr. NORVELL, Mr. SWIFT, Mr. RIVES, Mr. BUCHANAN, Mr. PARKER, Mr. HENDRICKS, Mr. BROWN, and Mr. LYON, took part, and in which the constitutional objections to the measure were discussed, (the bill being zealously advocated, especially by Mr. PARKER,) the bill was slightly amended, and then ordered to its third reading, by yeas and nays, as follows:

YEAS—Messrs. Brown, Cuthbert, Ewing of Illinois, Ewing of Ohio, Fulton, Hendricks, Kent, King of Georgia, Lian, Mouton, Norvell, Parker, Preston, Rives, Robinson, Southard Strange, Tipton, Walker—19.

NAYS—Messrs. Black, Buchanan, Calhoun, Clayton, Hubbard, King of Alabama, Lyon, Nicholas, Niles, Page, Prentiss, Sevier, Swift, Tallmadge, Tomlinson, Wall, White—17.

The Senate then proceeded to the consideration of executive business, and remained engaged in it until a late hour, and then adjourned.

FRIDAY, MARCH 3.

The various standing committees were successively discharged from the consideration of all subjects before them on which they had not reported.

DISTRIBUTION QUESTION.

A message was received from the House of Representatives, stating that the House insisted in its disagreement to the amendment of the Senate to the fortification bill, (which amendment struck out the clause providing for a distribution of the surplus revenue,) whereupon it was

Resolved, That the Senate request a conference, and appoint, on their part, Messrs. WRIGHT, PARKER, and WEBSTER, as a committee to conduct the same.

After transacting some other business,

The CHAIR announced to the Senate that there was no business on the table, or otherwise before the Senate.

The Senate then took a recess.

EVENING SESSION.

The Senate proceeded to executive business. When the doors were reopened, Mr. WRIGHT reported to the Senate that the committees of conference of the two Houses on the amendment to the fortification bill had met and conferred, but had been able to come to no agreement.

HARBOR BILL.

The harbor bill was received from the House, with several amendments, and referred to the Committee on Commerce.

Mr. DAVIS, from the committee, reported the bill to the Senate, recommending a concurrence in the amendments.

Mr. STRANGE opposed the amendments on constitutional grounds, and asked for the yeas and nays; which were ordered.

Mr. LINN replied, explained, and advocated the concurrence.

Mr. STRANGE insisted on his objection, and complained that the valley of the Mississippi should be made, by this legislation, to swallow up all the bounty of the Government.

Mr. DAVIS advocated the amendments, the details of which he explained and defended *seriatim*, and pressed a concurrence.

The vote was then taken, and resulted as follows: For concurrence 31, against it 11.

So the amendments to the harbor bill were concurred in.

NAVY PENSION FUND.

Mr. RIVES, from the Committee on Naval Affairs, reported a recommendation that the Senate disagree to the amendments from the House of Representatives to the bill for the more equitable administration of the navy pension fund.

Mr. R. explained the ground of the recommendation. The bill of the Senate went to raise the pensions of the widows of officers before March, 1835, to the level of those since that date, while the amendment of the House proposed to cut down the pensions since 1835 to the level of those before that time.

The recommendation of the committee was assented to, and the Senate disagreed to the amendment from the House.

DISTRIBUTION QUESTION.

A message was received from the House of Representatives, informing the Senate that the House adhered to its disagreement to the amendments of the Senate to the fortification bill.

Mr. WRIGHT thereupon moved that the Senate adhere to its amendment.

Mr. CALHOUN observed that this was a very important amendment indeed, and one which he deeply regretted the committee had deemed it proper to report. He could not consent to sit by in silence, and suffer the question to be taken, without at least requesting to hear some reason why an amendment of this character had been reported. If there should be a large surplus in the

Treasury, as there was every reason to expect there would be, the natural and proper distribution of it was obviously to return it to the people. He could not but express his surprise that the committee should expect the Senate to strike out an amendment of this importance, simply on their recommendation.

Mr. WRIGHT said that it was not his purpose to occupy the time of the Senate at this late period of the session. None knew better than the Senator from South Carolina the nature of the amendment, and the bearings of the whole question. The subject was as well understood by every member of the Senate as it could be by the committee. The section which the House of Representatives had added to this bill was precisely the bill introduced at the commencement of the session by the honorable gentleman from South Carolina himself, which had been referred to the Finance Committee, and long since reported on. Surely the gentleman did not expect a written report on a bill referred but yesterday, and embracing a subject of such vast magnitude. The amendment involved as important a question as ever had been submitted to Congress; and if this had been the first time the Senate had ever heard of it, there would have been great propriety in requiring either a written report, or at least some verbal explanation in regard to it. But Mr. W. did not feel bound, as the case stood, to make a long report on a matter with which every body was familiar, and on which he could not suggest a single new idea. A report, under such circumstances, would, if made, change no opinion. This was the simple explanation which he had to make (so far as he was personally concerned) in reply to the call of the honorable Senator from South Carolina. By the committee the subject of a written, report had not once been mentioned. For himself, he considered the section which had been added to the bill as completely disconnected with the subject-matter of the bill as it left the Senate, as one thing could be distinct from another. It was in fact an important act of independent legislation. All the members of the Senate were acquainted with Mr. W's opinions on the principles of the measure proposed by the amendment, and he should not, therefore, detain the Senate or waste its time by stating them. Mr. W. offered this explanation as an apology for the absence of a report on the amendment; whether it would prove acceptable to the Senator from South Carolina, he could not say.

Mr. CALHOUN said he now understood the Senator from New York to rest the question of concurrence in the amendment on the discussion which had taken place at the last session. To this he could have no objection; for, so triumphant had been the argument last year in favor of the distribution bill, that the gentleman had been left in a minority of six against the whole Senate. As no reason had since intervened to change the circumstances of the case, Mr. C. was content to rest the issue as it had then been made. A more triumphant argument he had never listened to; and, such had been its irresistible force, that it had broken through the bonds of party discipline, and compelled gentlemen to leave their party and vote for the bill. He would not repeat it, but he would ask those Senators who had at the last session felt and admitted its force, and had voted for the distribution bill, whether they would now change their ground, without a single argument having been urged in reply. Surely the Senator from New York was bound to show some difference in the case, which should induce those who had voted for distribution last year to vote against it now. The Senator from New York owed this to gentlemen of his own side, if he expected them thus to turn about in the face of the world.

Mr. WRIGHT rejoined. He was bound to say that the principles which had governed his own course remained unchanged, without recriminating on any who now differed from him. It was unimportant to him for what reasons other gentlemen might have changed their ground; but he supposed and believed, and so did the gentleman from South Carolina, that the surplus actually existing at the last session, and that which was then certainly anticipated, and which must be disposed of in some way, had governed the action of gentlemen who then voted for the bill. And if the same state of things were certain now, they would act in conformity with it. Mr. W. had no doubt that all those gentlemen who voted for the bill of the last session had acted just as conscientiously as he had himself done in voting against it. He admitted that the opinions which he had at that time held on the subject of the surplus had, to some extent, proved erroneous. But surely the Senator from South Carolina would not call upon him for the reasons which actuated others. If gentlemen should act differently on this occasion from the manner in which they had acted at the last session, the Senator would, no doubt, find them ready to vindicate their course, and much more able than himself to explain the considerations which actuated them. He trusted that this would supersede the censure of the honorable gentleman.

Mr. CLAY hoped that the question would be decided by yeas and nays. The proposition adopted, said he, by the House of Representatives, and now sent to this body for its concurrence, is, that any surplus revenue which may remain in the Treasury on the 1st of January next, beyond the wants of the Government, shall, after retaining five millions, be distributed among the States. If at that time there shall be no surplus, the bill will have, of course, no effect; if there be, it will. What are the objections to concurring? We have been favored with very few on this occasion. I would ask of the honorable Senator from New York [Mr. WRIGHT] whether it is his intention that, in case there shall be a large surplus, it is to remain in the deposite banks which have now the custody of the public money, at an interest to the Government of two per cent.? Does the honorable Senator think that that is a prudent and proper disposition of the public funds? A great central State in our neighborhood has, I understand, directed that her portion of the surplus distributed in January last be placed in banks, paying for it an interest of 6 per cent.; and there was not any difficulty in the arrangement. Does the Senator consider it as a wise and proper financial operation to keep the money of the United States in deposite banks, at an interest of two per cent., when, for the same money, the Government might obtain six per cent. on adequate security? I am anxious to know what is to be the policy of the coming administration on this subject.

[Mr. WRIGHT. Their policy is to have no surplus.]

Mr. CLAY resumed. Then take the land bill, like an honest man. There is the remedy. That will be better than your restrictive measures on the sale of the public lands, which throw open 180 millions of acres at a time. I should be glad, I say, to know what the administration policy is to be; the country has a right to know. The honorable Senator was stout last session in his denial that there would be a surplus: oh, no; there would be no surplus—no surplus. At length, however, he was obliged to admit that there would be some—a little; but how did it turn out? We all know. Well, if there is to be a surplus in January, what is to be done with it? Is it to be kept in the deposite banks at two per cent. interest? Is that your calculation? Is that the policy you will announce to the people? Why, what do the daily developments which are taking place demonstrate? Do they not prove that these deposite banks are but so many mere political machines? Have you seen the application recently made by one of the banks in the city of New York for a share of the public money? The great-

est recommendation urged by the applicants, their strongest argument, is this: "We are cordial friends to the distinguished chief who has so ably filled the chair of the Chief Magistrate," &c. Let me now make an appeal to the majority in this House, and I am glad that what I say will be heard by the Senator from Virginia, [Mr. RIVES.] This body has been pronounced by him to be the aristocratic branch of the Federal Government. If not positively and avowedly aristocratic, it has at least a squinting toward aristocracy. Well, and who are the majority of the aristocracy here? Are they not the friends of the administration? Now, the democratic branch in Congress have determined that it is unwise and improper to leave a large surplus revenue in the deposite banks, to pay the country an interest of two per cent.; and whence does the opposition to this salutary democratic measure proceed? From the aristocratic majority in the Senate. Are you, then, going to confirm your own charges against this body? I take your own words, and I ask, will you oppose the democracy of the country? Will you withstand the people's will? Will you, by a silent report, give your lordly dissent to what they have approved and resolved upon? I call on that majority of this Senate who, at the last session, thought it unwise to leave the public money in the deposite banks, to rally around their own principles, to stand by their democratic friends in the other House, and to take the money of the nation out of the hands of these deposite banks, and distribute it among the people of the States, on the principles advocated by themselves last year. I fear, however, the Senator from New York cannot be brought to consent to this arrangement. Well, then, I will propose to him, by way of a compromise, that he consent to the land bill. This is a middle measure; it disposes of two great interests at once. Is it possible to conceive of a better disposition both of the question of the surplus and the question of the tariff? If the honorable gentleman will consent to that, I will agree with him; but I entreat the majority of this body not to lend themselves to the plan of retaining this surplus revenue in a few banks, to be selected by the administration. I hope we shall not agree to the recommendation of the Committee on Finance, and I trust that its honorable chairman will, when the yeas and nays shall be called, be found now, as he was found at the last session, standing in a small minority. I ask that the question may be decided by yeas and nays.

Mr. RIVES said he did not rise from any wish to lengthen this debate, but merely with a view to submit a few remarks in reply to the appeal which had been addressed to himself and others by the honorable Senator from Kentucky. I do not see why he was so particularly anxious that I should hear what he had to say on this subject. I have often listened to that honorable Senator, always with pleasure, and often with profit; but what was it he was so anxious I should hear? In some observations which I had the honor to submit upon another occasion, I took occasion to say that, in a philosophic view of the structure of this Government, the Senate was to be considered as the aristocratic branch of it; not that every individual member of that body was an aristocrat, in the odious sense of that term, but that the body, from the manner of its constitution, was less immediately subject than the other House to the popular will. On that point, I shall enter into no controversy, but I would apply the honorable Senator's argument to his own case. He says that we are bound now to show that we of the Senate are not aristocratic in our feelings and course of action, and we are to do this by obeying the impulses which proceed from the democratic branch in the other House; and he contends that, if we shall refuse to do so, it will be a verification of what I said. There is no propriety in his making an issue with me; but let it be admitted that the argument is properly addressed to a democratic majority, and it amounts to this: that, in order to vindicate their democratic character, they must, in all things and on all occasions, submit to an expression of the will of the democratic branch of the Government. If this be so, let me remind the Senator of his own course in relation to that very important measure, the fortification bill of the last session. He cannot but recollect the appropriation by the House of Representatives of three millions of dollars, in anticipation of the contingency of a war with one of the European Powers. The amendment came here, and was sternly rejected. Notwithstanding the gentleman's doctrine of submission to the democratic branch, the rejection was persisted in until, by means of it, the bill was lost. The Senator himself, on that occasion, set an example directly the reverse of what he is now contending for. I do not call up this subject from any desire to revive the heats which then prevailed, but I mention it as an occasion of reminding him that, if he means to urge a principle of action upon us, he must at least observe it himself.

Now, what ought to be the course of the Senate? Will the Senator from Kentucky, or any other gentleman, who does not speak merely *ad captandum*, say, that when the Senate stands committed before the world to a great system of policy, and an amendment comes from the other House, proceeding on wholly different grounds, this body is bound to surrender the policy it approves, and adopt that which comes from the House of Representatives? Does not the whole system of this Senate proceed upon the ground that there should not be any surplus revenue? Have we not altered the land system and reduced the tariff for the express purpose of preventing a surplus? And now, when we are openly pledged to the country, and to the world, not to distribution, but to reduction, must we at once turn about and say that there shall be a surplus, and that it shall be distributed among the States? Is there any fairness in requiring us to surrender all our fixed opinions at the mere bidding of a majority of the other House? There are other channels, beside the acts of that body, through which we may learn the will of the people. Member as I am of that which, according to its essential genius, is the aristocratic branch of this Government, I do hold myself under the control of public opinion, as it comes to me in authentic forms. The House of Representatives is not the only oracular source whence I am to learn it. There are the acts of my own State Legislature; there is the public press; there are a thousand other legitimate exponents of public opinion. Looking at these *indicia*, what do we see? We see that, even by the temporary distribution of the surplus which had accumulated last year, we have thrown an apple of discord among the States. Such is the language of my own State. While, owing to the pressure of circumstances, she has felt herself constrained to accept the deposite of her quota of the surplus, she warns this Government against the repetition of the measure. And what did we hear from the gentleman from Connecticut? [Mr. NILES.] He tells us that he has received letters from many members of his own State Legislature, describing the conflicts in that body, and all terminating with this objurgation: "For God's sake, send us no more surplus." Such has been the effect in all the New England States; and I do say that the public sentiment of this nation, as expressed by its legitimate organs, echoes the same sentiment. Let us have no more surplus, but bring down the revenue. In yielding to the public sentiment, thus fully expressed, there is no inconsistency with democratic principles, but the contrary.

We are reminded, however, that many of us voted

for the distribution bill of the last session. But what were the circumstances? Then we had a large amount of surplus actually in hand. We could not get rid of it. Ought we to have expended it in reckless and anti-republican extravagance, or should it be left in the deposite banks? I then said that it was infinitely better to distribute it among the States. I chose this as the lesser evil; I always regarded it as an evil, never as a good; and I resorted to it only as a means of preventing greater evil. Now there is no actual surplus, although I see that, if there is not some change in the revenue laws, there is every probability that there will be one. We have adopted two important measures, which, according to the gentleman from Kentucky himself, are well calculated to prevent a surplus. In saying this, I refer to a part of his speech which I was so unfortunate as to lose; I was not in my seat when, I am told, the honorable Senator referred to myself. His remarks I shall be happy to notice at another time, though I cannot attend to them at present. I understand that he distinctly took the ground, when objecting to the reduction of the tariff, that that reduction was not necessary in order to bring down the revenue, because that had already been done by the land bill.

[Mr. CLAY here explained. What he had said was this: that, if all the measures passed by the Senate should be concurred in by the House, there would probably be no surplus; in which remark he had alluded to the various extravagant measures which had been voted.]

We viewed these measures, which the honorable Senator characterizes as extravagant, as connected with each other, and constituting a whole. I shall not enter upon a consideration of them now. The most important, and those which the Senate chiefly relied on to reduce or to prevent a surplus, were the land bill and the bill to reduce the tariff, (and which, if passed, will reduce it by two and a half millions.) After a long and painful deliberation and debate, we brought those bills into a shape acceptable to the Senate, and they were adopted and passed. They indicated the course of policy approved and sanctioned by this body. But here comes an amendment which is based upon directly opposite principles; an amendment which proceeds upon the assumption that there is to be a surplus, and that it must be distributed among the States. If this is to prevail, both the tariff bill and the land bill are at once superseded. It is in vain for gentlemen to blink the question. That must be the inevitable consequence. But after we are solemnly pledged to the reduction policy, must we at once surrender it, out of our profound respect for the other branch of the Legislature? And we must do this lest we incur the odium of aristocracy! The Senator from Kentucky must surely have apprehended the spirit of my remark as to the aristocratic character of this body. He cannot but have understood me as not referring to the character of individuals, but to the genius of this branch of the Government, to the character purposely given to it by the provisions of the constitution; and I insist that, from its structure, it does possess this character. I avow that as my sentiment; I repeat it openly; and, formidable as the Senator from Kentucky always is, I am ready to discuss it with him. But this is not the time for such a discussion. I should not have said a word but for the pointed reference of the honorable gentleman to myself. I did hear his remarks, and listened to them with profound attention; but, weighty as they were, they would have been far more so had they been supported by his own example.

Mr. CRITTENDEN followed. He expressed strong surprise that gentlemen who had voted for the distribution bill of the last session should declare that they could see no analogy between that law and the present amendment. Not only was there the most perfect analogy between the two, but a perfect identity. The bill of the last session and the amendment now proposed by the House of Representatives were in the very same terms. The subject-matter of both was the same, and they differed only as to the amount—a difference which involved no principle, but was a mere incidental fact, in no way touching the essence of the amendment or affecting its character. So far as the question of constitutional law was concerned, the two were perfectly identical; and all that prevented their identity in all respects was the difference in the amount of money which might be in the Treasury on the 1st of January next from that which had been there on the 1st of January of last year. Could gentlemen find in this difference sufficient ground to change their votes? If it was right to distribute $38,000,000, why was it not right to distribute $10,000,000? The policy which dictated the one equally sanctioned the other. The policy of collecting revenue for the purpose of distributing it was advocated by none; but if a surplus of revenue legitimately collected did occur, how ought it to be disposed of? Ought it to be thrown into the deposite banks, to excite the cupidity of these corporations and encourage reckless speculations? Or should it be thrown back into the hands of the people? This was the question which had been decided at the last session. Congress determined in favor of the latter alternative. But because they had restored to the people $38,000,000 of their own money, was it time for Government to indemnify itself by retaining $10,000,000 to meet the fancies or the lusts of those in power?

But the honorable Senator from Virginia was reluctant to throw an apple of discord into the State Legislatures. The return of their own money might be converted into an apple of discord by State politicians, but to the country at large it was the bond of peace and union. How were the States to be agitated by a measure which gave peace to the Union? Ought the Government, in the excess of its patriotism, magnanimity, and tender mercy, to take the people's money out of their hands to relieve them from discord? Should the Government render itself unhappy and distracted, in its disinterested desire to save the people from corruption? The people, it seemed, were to be fatally corrupted by handling this money; but the Government might be steeped to the lips in the corrupting stream, and still remain purer than snow. To manage the money would occasion the Government no embarrassment whatever; but the poor silly people were unable to bear so weighty a trust, and to them it would prove but an apple of discord.

Another reason urged in opposition to the measure was, that it would inspire the members of the National Legislature with narrow and selfish feelings: each man would be endeavoring to withhold the appropriations necessary to the general good, from a hope of securing a larger share of surplus for his own State. Nothing could be more idle than such an objection. Did not gentlemen perceive that the same argument might be applied to the ordinary duty of appropriation? Was there not the same temptation to withhold the taxes; and might not gentlemen as well argue that the General Government could never go on, because it would be the interest of the representatives to prevent the taxation of their constituents? The argument was precisely the same; and if it was a valid argument, it went to show that the American people were incapable of conducting a free republican Government. His friend who had last addressed the Senate appeared to have serious apprehensions lest his colleague had repeated what were unpopular opinions, and seemed resolved for himself to eschew such a course, as the greatest of misfortunes. Mr. C. hoped he would never fall under so heavy a calamity; but unless the people of that gentleman's State had a distaste for money, which did not belong to Mr.

C's constituents, it was possible he might find that he had himself incurred the same disaster which he had so earnestly deprecated in the case of Mr. C's colleague. For his own part, he had not seen a single man in his own quarter of the country who at all disapproved of Kentucky's taking her share in the distribution of the surplus. Yet he had never understood that the people of that part of the Union were distinguished by an inordinate regard for money. He did not think that in that respect they went very far beyond the people of the North and of the East. He feared, lest some great change had passed upon the character of the gentleman's constituents, that he would find on his return home that they had again relapsed into at least a due estimate of the value of money. He could not but apprehend that the honorable Senator would find it somewhat hard to persuade them that it was better that millions of the public revenue should remain in the Treasury than in their pockets. The honorable Senator, however, did not, he presumed, need any of his admonition; he doubted not that he would be sufficiently careful of his own popularity.

Some of the States, to be sure, had shown themselves very coy in taking their share; but whatever might have been their scruples, and the throes of their conscience, he believed that as yet not one had refused; and, what was more, they would take the same again and again, whenever it might be deemed necessary to disencumber the Treasury.

The Senator from New York [Mr. WRIGHT] had said that it was the policy of the coming administration to have no surplus. A very proper policy, indeed; and the present amendment would give to the nation ample security that such a policy should be observed. Give them this security, and then the majority would never be found creating a surplus with a view to retain and manage it. There were several ways to prevent a surplus: one was, not to raise more money than was wanted; another method, equally certain, was to make the expenditure come up to the amount of the receipts. Now, the amendment proposed would tend to preserve the economy of this Government. If virtue, as has a thousand times been observed, was the foundation of republican Government, then a lavish expenditure of public money, by corrupting the virtue of the nation, must have a direct tendency to undermine public virtue; and the amendment, by preventing the accumulation of an extravagant surplus at the disposal of the Government, would contribute so far to the preservation of virtue, and thereby to the safety of our liberties. In every point of view, Mr. C. considered the distribution policy as good. Gentlemen had expressed an apprehension that if the experiment of distribution should again be made, the thing would, in a short time, become habitual, and that all previous measures would be calculated with a reference to that end. He had no such apprehensions. It was proposed to distribute only the superfluous and unnecessary revenue; and what better could be done with this, than to give it back to the people? He trusted that none of those who had supported this policy at the last session would oppose it now. The action of the House of Representatives went clearly to show that the people approved of the measure. So forcible had been the pressure of public opinion, that it had broken down all party trammels. Men had revolted from under party discipline, from a wholesome fear of their constituents. As far as his knowledge extended, the public sentiment of the country was all in favor of distribution. There could be no good reason for leaving the surplus in the banks. The Executive had told the Senate that it furnished great means for speculation; and so strong had been his conviction of the evil to be apprehended, that, with a view to prevent it, he had assumed the responsibility of issuing the Treasury order; and yet the Senate was to be deterred from a measure which was legal and legitimate, and which would remedy the evil. This went to show that, after all, the majority of the Senate were in favor of banks and banking. He remembered well when the President, in commencing his attack on the United States Bank, held out to the nation the golden prospect of a specie circulation. It was the cheap purchase of anticipated glory. It rang from Maine to Georgia, and the bank was destroyed. The nation had all been in the most triumphant anticipation of those halcyon days which were to follow; but when the time was actually come, and the friends of the administration were asked for what they had promised, behold, what a multitude of objections were at once interposed. One was afraid that the money would corrupt the people; another that its possession would create interminable discord; another dreaded the danger of the example, and predicted that it would weaken the Government, and make it a mere collector for the States. Thus, after all the promises, and after the first great step had been taken, gentlemen were likely to fall back into the old position, to keep fast hold of the money bags; and when the people remonstrated, to reply by assuring them that they were incapable of managing their money; that it would only corrupt them; and that their wisest course would be to leave it in the pure and incorruptible hands of those who now had the management of it.

Mr. EWING, of Ohio, was desirous of submitting a few remarks, which he considered due to the occasion. He was not one who was in favor of collecting revenue for the sake of again distributing it, and the gentlemen who placed the matter on that footing lost their argument on him. He had no such disposition now, nor had he been so disposed when the deposite bill of last session was passed. It was not the proposition of this amendment. The proposition went on the supposition that there would be a surplus. If no surplus should arise, the clause would have no effect; it would be altogether nugatory; but if there was a surplus, it would place the money in safe keeping, and at the same time avoid all the mischief of retaining it in the deposite banks. While Mr. E. was unwilling, on the one hand, to create a surplus with the view to distribution, he would not, on the other, consent to unsettle the business or disturb the tranquillity of the country for the sake of avoiding one. He was opposed to interfering with the compromise, and he still hoped it would not be interfered with. He would not upset an arrangement of that importance to prevent a surplus of two millions, at the expense of more than fifty millions of injury to the country. It would be better to throw the money into the Potomac.. Nor was he disposed to give away the public lands, to prevent the price of them from coming into the Treasury; nor was he willing to give the public domain at less than its value to a certain exclusive set, rather than let all our citizens share equally in its advantages, as heretofore. If a surplus arose, he would rather distribute it than avoid its accumulation by measures like these, or by extravagant appropriations beyond what had ever been known before. If the laws of the country brought a surplus into the Treasury, he would not wrest the laws for the sake of preventing it; nor would he absorb the revenue in lavish and wasteful expenditures, rather than distribute a surplus. If it came into the Treasury in a fair and legitimate manner, he would dispose of it as it had been disposed of last year. He could not see the least distinction between the two cases. Some gentlemen had said that they could see no resemblance between the case of last session and the case of this; to him they appeared not only like each other, but the same. This amendment was in the very words of the distribution bill of last year; it was a perfect fac simile of that bill.

Here was certainly some slight resemblance. It was, indeed, very true that, while the form of the bill was the same, there might exist a state of things which would make the bill very different in principle. Now, let us see what are these alleged points of distinction. Gentlemen had said that last year it had been admitted that there would be a surplus. It was very true that he had admitted it, and those who acted with him; but there had been gentlemen on the other side who protested strongly that there would be no surplus. All the difference, then, in that respect, consisted in this: that more had been admitted at the last session than now. Mr. E. heard none now say that there would be no surplus. His own estimate at the last session had been that there would be one of ten, fifteen, or eighteen millions, if the appropriations were marked with any thing like moderation. But both appropriations and revenue had far exceeded his calculations. But be this as it might, the same argument which had been urged last year applied equally well now; if there was no surplus, this law would divide nothing. It was a hypothetical law. He would not, indeed, agree to pass a law which would probably be nugatory, but that did not apply to the present amendment, because there was every probability that there would be something, and not a little, to divide. They knew that there was to come in a large incidental sum from the Bank of the United States; then there were the receipts from the customs, and the receipts from the public lands; so that when gentlemen came to see the actual figures next winter, he rather believed that they would find not less than twelve millions of dollars, which must either remain in the deposite banks or be distributed among the States. As to the proper time for passing the bill, gentlemen knew that various deposite banks complained even last year. The Secretary told Congress that the sudden withdrawal of the money from those institutions would cause a great shock. Why not, then, give him time? If they waited until the next session, much time would necessarily be consumed in legislation; and after the bill passed, the banks would need time to conform themselves to the new arrangement, so that it would be past midsummer before a cent could actually be distributed. There was another reason for legislating at this time. It would give the deposite banks timely warning that the public moneys in their hands were not to be loaned out permanently, for the purpose of investments. Such a notice would be very important.

But it was said that this practice of distribution, if repeated, would become habitual, and that the General Government would starve for want of the requisite appropriations. Gentlemen who urged this objection must have greatly changed their ground within a few years. The friends of the honorable Senator on his left [Mr. BUCHANAN] had advocated the doctrine that too much was expended for the General Government. He held in his hand a report of a speech made by the honorable Senator from Missouri, [Mr. BENTON,] which seemed to have been carefully considered, in which that gentleman had endeavored to show that it required not less than eight millions to put the machinery of Government in motion. Allowing for extraordinaries, it might require twelve millions. The gentleman would remember that they had expended thirty-seven millions last year, and that he had recommended and strongly advocated the expenditure of not less than sixty millions, which was five times the amount of his own estimate of the necessary expenses of the Government. Did not this go to show that the danger was not that of starving the General Government, but quite on the other side? That the real danger was of making the appropriations so extravagant as to absorb the revenue, let it amount to what it might? The expense was not felt, because the money flowed into the Treasury without direct taxation; but the danger was only the greater on that account. Who had ever heard of a Government going backwards in its expenditure? What Government had ever been able to retreat? England, it was true, had freed herself from one million and a half, out of about forty millions—an enormous load of taxation—but it had not been without a mighty effort, a struggle which shook the kingdom. How could we ever accomplish a reduction of our national expenses, unless we fell on some disposition of the public revenue which should induce gentlemen to think what could be saved to their constituents?

Mr. DAVIS rose and said he could not permit a measure of so much consequence to be lost without expressing his dissent from so ill-advised and injurious a policy. The measure proposed was precisely the same which went through both Houses at the last session, with an almost unexampled unanimity. It proposed simply to trust the several States with the custody of all the surplus revenue, if any should exist, beyond five millions. If this fails, the money will go to the deposite banks. It is singular, if such distrust is entertained of the States, that their credit is not as good as that of the deposite banks! The amendment has been deprecated as introducing a new and dangerous policy; but let it be distinctly understood that it proposes that whatever surplus there may be beyond five millions shall be placed with the States, instead of being left in the deposite banks—that it shall be held by the officers of the States, instead of being under the control of the office-holders of the United States. This is the measure, and the whole measure, which has excited the extraordinary alarm and apprehension which we hear from gentlemen in this chamber.

Some Senators seem indignant because it is connected with the fortification bill. This is pronounced unnatural and highly objectionable, because the matters have no affinity. If the two measures could be conveniently separated, and presented each in a bill by itself, I should prefer that course; but every one who witnesses the daily proceedings in the other end of the Capitol knows that the order of business and the rules of action there are such that matters incongruous in themselves are every session brought together in the same bill, from necessity. The stutute books contain the most plenary proof that such a course has it in nothing unusual. Admitting, therefore, that the connexion is unnatural, there is nothing in it unprecedented or uncommon. No one here can be ignorant of the fact that this important measure could not be acted upon at all by the House, unless as an amendment to some bill; and it must thus come up, or be left without consideration.

But is there any thing so unnatural as is represented between the bill and the amendment? The bill is an appropriation act, purely so; taking money from the Treasury to strengthen the defences of the country. The amendment provides for taking what remains, after these and other appropriations are satisfied, and placing it with the States. The great object of each is to dispose of the public money—the one in a useful, the other in a safe way; and all they differ in is, that the bill gives to what it takes one direction, and the amendment to what it takes another direction. Can it be said that they do not relate to the same subject? Does not the fortification bill relate to the public money? And does not the amendment relate to that, and nothing else? I confess I am not able to see much force in the objection, and am not surprised that the House disregarded it. It is, after all that has been made of it, but an unsatisfactory apology for giving a preference to the deposite banks over the treasuries of the States.

But it is a new act of distribution; and we are warned of the injustice and unconstitutionality of collecting

revenue to distribute among the States. Let me say, at once, to all who thus speak of the amendment, that they misrepresent it. It makes no provision for the collection or the distribution of revenue. You will not collect a cent more or less of revenue, whether we adopt or reject it. It involves no question of policy, nor has it any connexion with the tariff; and the Senator from Mississippi is quite mistaken, when he attempts to prove that it has. It neither proposes to alter, modify, enlarge, diminish, or continue the revenue laws. Turn it which way you will, give to it whatever reading ingenuity is capable of, scrutinize it as closely as you please, and it provides for the safe keeping of the public money, if any sum over five millions shall be on hand; nothing more. And the only question here is, shall the States have the use of it till it is needed, or shall the stockholders of the deposite banks be enriched by loaning it out for their own benefit? This is all the matter we have to deal with; and let us meet it fairly; let us call it by the right name; and, if it is to be so, let the people understand that the interest of these banks is more powerful than their own in this place.

Whose money is this? It belongs to the people; it is their property; and whom do you talk of corrupting and seducing from their duty by the fascinating influences of money? The people. The people are to be bribed and corrupted by possessing their own property. How wonderfully pure and patriotic the officers of this Government! They can trust themselves with the money; but the people will be corrupted and seduced, if their own property is permitted to approach so near to them as the State treasuries!

It is said, sir, that a spirit of avarice and cupidity will seize the people, and that members of Congress will become so infected with the mania that they will refuse to make the necessary appropriations; and what most astonishes me is, that our experience under the act of 1836 is urged to justify this reasoning. In my judgment, never was any thing more unfounded. Look at the appropriations of the last year, amounting to about $50,000,000. When and where has this extravagance any parallel? Look at the appropriations of this year, the amount of which I have no means of ascertaining, but scarcely less profuse, as we all know, than those of the last year. Nay, more: I appeal to every gentleman here to consult his own conscience, and then to declare whether he has felt any such sordid influence on his mind, in the votes which he has recorded. And if he has not, I leave him to settle the question whether he is more pure than his fellow-citizens, and more capable of resisting temptation.

Sir, I have seen a great and commanding influence exerting itself, ever since the bill of 1836 was proposed, to defeat it. It worked in vain last year, but its power has increased in this body. It has grown determined to set the States down as narrow-minded, avaricious, and unworthy of confidence; ay, not fit to be trusted with their own. And there seems to be such a conviction of this unfitness, that the deposite banks are to be placed over them as guardians.

Now, sir, there is but one of these arguments entitled to the slightest consideration; all suggestion as to the avarice and corruption of the people is a calumny—a slander; it is an attempt to teach them to disgrace themselves. But when we are told that the powers of this Government may be diminished by this process, I will not say it does not deserve consideration. I have hitherto seen no proofs of it, and yet I confess I should not regret to see the patronage of the Executive diminished—cut down to a tithe of its present ample dimensions. It is plethoric, and I am willing to see it depleted. If, therefore, it should produce this effect only to a reasonable extent, (and I should let blood freely,) I should be far from objecting to it; indeed, the medicine is needed, for this branch of the Government wants purifying.

Here lies, whatever else may be urged, the great objection to this measure, which is felt by those in, and who hope to be in, power.

It is they who feel all this anxious solicitude about the avarice of the people, and their danger of corruption. But I cannot resist the belief that they feel much more solicitude about retaining power and patronage. No power works with more effect, or insinuates itself more certainly into the feelings, and winds itself about the hearts of men, than that of money. You have a host of deposite banks scattered throughout the country, one and all bowed down to the executive will. Connected with them is an army of stockholders, borrowers, and persons seeking special favors. The Executive is the magnet, the centre of attraction, which holds all these in their places, and in obedience. Those who have dwelt with horror upon the influence of the Bank of the United States, and its successor, will be able, by turning their eyes from that monster to this, with its multiplied heads, to understand the power and patronage which money bestows. It is the fear of losing this influence that creates this holy horror, and excites this distrust of the States. You are willing to pile up the public money in these banks till it overtops their capital, and run the risk of all danger, rather than part with the controlling influence it gives you; and this is the reason why the people cannot be trusted with their own property; why the deposite banks are better entitled to use and enjoy the earnings of the public money than the people themselves. But they well understand this reasoning; they well comprehend that you have a very studious care of their morals, but a sharper eye upon your own power and interests.

It is said there will be no surplus. Be it so; what harm will come of this law in that case? It only proposes to divide and deposite what may exist; and if none exist, there will be nothing for the law to act upon, and nothing to corrupt the people. It will be a harmless dead letter merely, for it is not permanent, as has been suggested, but provides for the deposite of such as shall be on hand the 1st day of January next. Nothing more. If the Senate resist this measure because the office-holders are in danger of losing some of their power and patronage, the responsibility must rest on those who do it. All I ask is, that the issue be fairly made up for the public decision. Let the people understand that they are considered less worthy of confidence than the office-holders and the pet banks.

After some further debate, the question was taken, and the Senate determined to adhere to its disagreement, by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, Wright—27.

NAYS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, McKean, Moore, Morris, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, Webster, White—23.

The Senate, on motion of Mr. BENTON, spent some time in executive business.

When the doors were reopened, the Senate took up and acted upon some other minor business; when

Mr. HUBBARD submitted a joint resolution, providing for the appointment of a committee, to join such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and inform him that the two Houses, having

finished the business before them, were ready to adjourn the present session of Congress. This resolution was agreed to, and sent to the House for concurrence.

THANKS TO THE PRESIDENT *pro tem.*

Mr. KING, of Alabama, the President *pro tem.*, having temporarily left the chair,

Mr. DAVIS submitted the following resolution, which was unanimously adopted:

Resolved, That the thanks of the Senate be tendered to the honorable WILLIAM R. KING, President *pro tempore*, for his late impartial and dignified services as presiding officer.

CHEROKEE MEMORIAL.

Mr. SOUTHARD moved to take up the memorial presented by him some days since, from the Cherokee Indians, for the purpose of its being printed.

Mr. KING, of Georgia, objected to the printing, on the ground of there being no object but to keep up an unnecessary excitement.

Mr. SOUTHARD warmly advocated the motion, and asked for the yeas and nays.

After some remarks from Messrs. KING of Georgia, BUCHANAN, WALKER, and WEBSTER, the question was taken, and the Senate refused to take up the memorial.

Leave was then granted to the memorialists to withdraw it.

Mr. HUBBARD, from the joint committee appointed to wait on the President, and inform him that the two Houses of Congress, having finished the business before them, were now ready to adjourn, unless he had some further communication to make, reported that they had performed the duty assigned them, and were answered by the President that he had no other official communication to make, but that he had charged him to say that it was the wish of his heart that each member of Congress might enjoy health and prosperity in this world, and happiness in the next.

On motion of Mr. WEBSTER,

The Senate then adjourned *sine die*.

EXTRA SESSION OF THE SENATE.

"The PRESIDENT OF THE UNITED STATES,

"*To* ———, *Senator for the State of* ———.

"By virtue of the power vested in me by the constitution, I hereby convene the Senate of the United States, to meet in the Senate chamber on the 4th day of March next, at 10 o'clock in the forenoon, to receive any communication the President of the United States may think it his duty to make.

"ANDREW JACKSON.

"DECEMBER 20, 1836."

SATURDAY, MARCH 4, 1837.

In conformity with the above-recited summons from the President of the United States, the Senate assembled in their chamber, in the city of Washington, at 10 o'clock A. M. this day.

The Senate was called to order by Mr. KING, of Alabama, the late President *pro tem.*

RICHARD M. JOHNSON, of Kentucky, Vice President of the United States, being present, was conducted to the Secretary's table by Mr. GRUNDY, and the oath to support the constitution of the United States having been administered to him, Mr. KING vacated the chair, and Mr. JOHNSON took his seat as President of the Senate and Vice President of the United States.

The VICE PRESIDENT, on taking the chair, addressed the Senate as follows:

Gentlemen of the Senate: In entering upon the discharge of the duties of the presiding officer of this body, the necessity of addressing its members has been very much lessened, if not superseded, by the opportunity afforded me of presenting some of my sentiments when I accepted the situation.

I cannot, however, permit the present occasion to pass without again tendering to you my grateful acknowledgments for the honor conferred upon me by your choice.

There is not, in my opinion, upon this globe, a legislative body more respectable and more exalted in character than the Senate of the United States; and there is not, perhaps, a deliberative assembly existing where the presiding officer has less difficulty in preserving order. This facility is attributable principally to two causes: the intelligence and patriotism of the members who compose the body, and that personal respect and courtesy which have always been extended from one member to another, in its deliberations. These qualities have a tendency to produce a unity of design, and a mutual confidence, in the ultimate object of all, whatever difference of opinion may exist in relation to the means of gaining the common end; and inculcate that sentiment of equality among the members, which constitutes the essential principle of our free institutions, and which will never cease to animate a body so enlightened as this. These reflections have mitigated the intense anxiety of mind, and well-founded apprehensions, arising from a consciousness of my own deficiency of qualifications to preside over this elevated body.

In the exercise of the powers conferred upon me by the constitution, it shall be my effort to pursue that course of conduct which has recommended me to the consideration of my fellow-citizens—a faithful discharge of my public duties, to the extent of my abilities, and in a manner that shall seem best calculated to give satisfaction to all. Contemplating the duties and ceremonies of this day, it might be considered improper in me to consume any more of your time by adverting to other subjects, however relevant to the new position which I now occupy. I shall, therefore, close my remarks by informing the Senate that I am now ready to proceed with the business for which we are assembled.

There were now ascertained to be present every Senator from every State in the Union, except one, (Mr. MCKINLEY, of Alabama,) being fifty-one in number.

The new members present were—

From Indiana, OLIVER H. SMITH; from Illinois, RICHARD M. YOUNG; from Ohio, WILLIAM ALLEN; from Maine, REUEL WILLIAMS; from Connecticut, PERRY SMITH.

The oath prescribed by the constitution was then administered by the VICE PRESIDENT to the new Senators, and those Senators re-elected, except Mr. SEVIER, of Arkansas, the consideration of whose credentials of appointment by the Governor (as to filling the vacancy occasioned by the expiration of his own term) was postponed to Monday.

The Senate continued its sittings on Monday, Tuesday, Wednesday, and Thursday following, and were engaged, principally upon executive business—acting upon the nominations of the President.

On Tuesday, Mr. GRUNDY, from the Judiciary Committee, reported "that the Hon. AMBROSE H. SEVIER is entitled to his seat as a Senator from Arkansas, under the executive appointment of the 17th of January, 1837, and that he now have the oath of office accordingly administered to him." On Wednesday the report was debated, and on the question of agreeing to it the yeas and nays were as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clayton, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives,

Robinson, Ruggles, Smith of Connecticut, Tipton, Walker, Wall, White, Wright, Young—26.

NAYS—Messrs. Bayard, Black, Clay, Crittenden, Davis, Kent, King of Alabama, King of Georgia, Knight, McKean, Morris, Mouton, Prentiss, Robbins, Smith of Indiana, Southard, Swift, Webster, Williams—19.

Mr. SEVIER then appeared and took the oath of office.

The VICE PRESIDENT having retired from the chair on Tuesday, according to usage, to allow of the choice of a President *pro tem.* before the adjournment, the Senate proceeded to ballot for a President *pro tem.*, when WILLIAM R. KING, of Alabama, was elected.

At the close of Thursday's sitting, a committee was appointed, on motion of Mr. WRIGHT, to announce to the President of the United States that the Senate had got through its business, and was ready to adjourn, if he had no further communication to make to them. Mr. WRIGHT and Mr. LYON were appointed a committee accordingly.

On Friday morning, at 10 o'clock, the committee reported that they had discharged the duty thus confided to them, and had received for answer that the President had no further communication to make them. And then

The Senate adjourned *sine die*.

DEBATES

IN

THE HOUSE OF REPRESENTATIVES.

LIST OF MEMBERS

Of the House of Representatives, twenty-fourth Congress, second session.

MAINE—Jeremiah Bailey, George Evans, John Fairfield, Joseph Hall, Leonard Jarvis, Moses Mason, jr., Gorham Parks, Francis O. J. Smith--8.

NEW HAMPSHIRE—Benning M. Bean, Robert Burns, Samuel Cushman, Franklin Pierce, Joseph Weeks—5.

MASSACHUSETTS--Abbot Lawrence, Stephen C. Phillips, Caleb Cushing, Samuel Hoar, Levi Lincoln, George Grennell, jr., George N. Briggs, William B. Calhoun, William Jackson, Nathaniel B. Borden, John Reed, John Quincy Adams--12.

RHODE ISLAND--Dutee J. Pearce, William Sprague, jr.—2.

CONNECTICUT--Elisha Haley, Samuel Ingham, Orrin Holt, Lancelot Phelps, Isaac Toucey, Thomas T. Whittlesey—6.

VERMONT--Hiland Hall, William Slade, Horace Everett, Heman Allen, Henry F. Janes--5.

NEW YORK--Abel Huntington, Samuel Barton, Churchill C. Cambreleng, Gideon Lee, John McKeon, Ely Moore, Aaron Ward, Abraham Bockee, John W. Brown, Nicholas Sickles, Valentine Efner, Aaron Vanderpoel, Hiram, P. Hunt, Gerrit Y. Lansing, John Cramer, David Russell, Dudley Farlin, Ransom H. Gillet, Matthias J. Bovee, Abijah Mann, jr., Rutger B. Miller, Joel Turrill, Daniel Wardwell, Sherman Page, William Seymour, William Mason, Stephen B. Leonard, Joseph Reynolds, William K. Fuller, William Taylor, Ulysses F. Doubleday, Graham H. Chapin, Francis Granger, Joshua Lee, Timothy Childs, George, W. Lay, John Young, Abner Hazeltine, Thomas C. Love, Gideon Hard--40.

NEW JERSEY--William Chetwood, Samuel Fowler, Thomas Lee, James Parker, Ferdinand F. Schenck, William N. Shinn--6.

PENNSYLVANIA--Joel B. Sutherland, Joseph R. Ingersoll, James Harper, Michael W. Ash, Edward Darlington, William Hiester, David Potts, jr., Jacob Fry, jr., Matthias Morris, David D. Wagener, Edward B. Hubley, Henry A. Muhlenberg, William Clark, Henry Logan, George Chambers, James Black, Joseph Henderson, Andrew Beaumont, Joseph B. Anthony, John Laporte, Job Mann, John Klingensmith, jr., Andrew Buchanan, Thomas M. T. McKennan, Harmar Denny, Samuel S. Harrison, John J. Pearson, John Galbraith--28.

DELAWARE--John J. Milligan--1.

MARYLAND--John N. Steele, James A. Pearce, James Turner, Benjamin C. Howard, Isaac McKim, George C. Washington, Francis Thomas, Daniel Jenifer--8.

VIRGINIA--James M. H. Beale, James W. Bouldin, Nathaniel H. Claiborne, Walter Coles, Robert Craig, George C. Dromgoole, James Garland, George W. Hopkins, John W. Jones, Joseph Johnson, George Loyall, Edward Lucas, jr., John Y. Mason, William McComas, Charles Fenton Mercer, William S. Morgan, John M. Patton, John Roane, John Robertson, John Taliaferro, Henry A. Wise--21.

NORTH CAROLINA--William Biddle Shepard, Jesse A. Bynum, Ebenezer Pettigrew, Jesse Speight, James J. McKay, Micajah T. Hawkins, Edmund Deberry, William Montgomery, Augustine H. Shepperd, Abraham Rencher, Henry W. Connor, James Graham, Lewis Williams--13.

SOUTH CAROLINA--Robert B. Campbell, William I. Grayson, John K. Griffin, Franklin H. Elmore, John P. Richardson, Henry L. Pinckney, Francis W. Pickens, James Rogers, Waddy Thompson, jr.—9.

GEORGIA—Jesse F. Cleveland, William C. Dawson, Thomas Glascock, Seaton Grantland, Charles E. Haynes, Hopkins Holsey, Jabez Jackson, George W. Owens, Julius C. Alford--9.

KENTUCKY—Lynn Boyd, Albert G. Hawes, Joseph R. Underwood, Sherrod Williams, James Harlan, John Calhoon, Benjamin Hardin, William J. Graves, John White, Chilton Allan, Richard French, John Chambers, Richard M. Johnson—13.

TENNESSEE—William B. Carter, Samuel Bunch, Luke Lea, James Standefer, John B. Forester, Balie Peyton, John Bell, Abram P. Maury, James K. Polk, (Speaker,) Ebenezer J. Shields, Cave Johnson, Adam Huntsman, William C. Dunlap—13.

OHIO—Bellamy Storer, Taylor Webster, Joseph H. Crane, Thomas Corwin, Thomas L. Hamer, Samuel F. Vinton, William K. Bond, Jeremiah McLene, John Chaney, Samson Mason, William Kennon, Elias Howell, David Spangler, William Patterson, Jonathan Sloane, Elisha Whittlesey, John Thomson, Benjamin Jones, Daniel Kilgore--19.

LOUISIANA—Henry Johnson, Eleazer W. Ripley, Rice Garland—3.

INDIANA—Ratliff Boon, John W. Davis, John Carr, Amos Lane, Jonathan McCarty, William Herod, Edward A. Hannegan—7.

MISSISSIPPI—John F. H. Claiborne, Samuel J. Gholson—2.

ILLINOIS—John Reynolds, Zadok, Casey, William L. May--3.

ALABAMA—Reuben Chapman, Joshua L. Martin, Joab Lawler, Dixon H. Lewis, Francis S. Lyon—5.

MISSOURI—Wm. H. Ashley, Albert G. Harrison—2.

ARKANSAS—Archibald Yell--1.
MICHIGAN—Isaac E. Crary--1.

DELEGATES.

FLORIDA TERRITORY—Joseph M. White--1.
WISCONSIN TERRITORY--George W. Jones—1.

MONDAY, DECEMBER 5.

At twelve o'clock the SPEAKER (Hon. JAMES K. POLK, of Tennessee) took the chair, and called the House to order.

The roll of members having been called over by the Clerk, (WALTER S. FRANKLIN, Esq.,) and a quorum being found in attendance, the House proceeded to business, and appointed a committee, jointly with a committee of the Senate, to wait upon the President of the United States, and inform him of the organization of the two Houses, and their readiness to receive any communication from him.

APPOINTMENT OF COMMITTEES.

Mr. ELISHA WHITTLESEY moved the adoption of the following order:

Ordered, That the several standing committees be now appointed according to the standing rules and orders of the House. [That is, that the Speaker be authorized now to appoint them; in the event of which order, they would be agreed upon by the Speaker, and announced to the House by the reading of the journal on the opening of to-morrow's sitting.]

Mr. BOON said that it had been usual not to make the apppointment until the first Thursday in the first week of the session, and that it was then customary for the House to adjourn until the following Monday.

Mr. WHITTLESEY said he hoped no gentleman would oppose the adoption of the order. He hoped, at least, that no motion would be made for a further postponement than to-morrow. It certainly had been the usage, of late years, not to appoint the committees until the close of the first week. Formerly, however, the committees had been appointed on the first day of the session, and he could see no reason why the appointment should be postponed. Why should a week be idly spent, before the House proceeded to business? It seemed to him that the business should be commenced immediately. He called the attention of the members to the position in which the House found itself at the close of the last session; and he warned them that such would again be their position, unless the business was vigorously commenced in the early part of the session. At the commencement of a new Congress (Mr. W. said) there was undoubtedly some reason why the appointment of the committees should not take place immediately; the members had to become personally acquainted with the Speaker. But no such reason existed now. He implored the members, he called upon every gentleman to aid him in transacting the business of the House; and, with that view, to second him in his endeavors for its immediate commencement. There were only a few members absent, and he hoped that, at the furthest, the House would not consent to a further adjournment than to-morrow.

Mr. BOON assured the gentleman from Ohio that he had no desire to embarrass the proceedings of the House. He was fully as anxious as any other member that the business should be commenced forthwith. But only one hundred and seventy-six members had answered to their names; and it was probable that a number of the members who had been appointed on certain committees at the last session of Congress would be deprived of having their names again placed on the same committee, or any other. The Speaker, moreover, required time to make the appointments; and for this, as well as for other reasons which were perfectly satisfactory to his own mind, he would move that the further consideration of the subject be postponed until Thursday next.

Mr. MERCER said that he concurred with the gentleman from Ohio [Mr. E. WHITTLESEY] in the views he had expressed, and that he (Mr. M.) would not repeat the arguments he had used in support of them. But he would suggest that the absence of a member should not be considered as a reason why that member should not be placed on a committee. The members not present were most probably on their journey to the city, and he saw no inconvenience resulting from an appointment made in their absence.

The SPEAKER said that, unless the House altered the rule, he could not appoint an absent member to a committee.

Mr. MERCER moved that the further consideration of the subject be postponed until to-morrow; and suggested that the House should provide that the appointment on a committee of an absent member should not operate as a disqualification to serve.

Mr. E. WHITTLESEY called for the yeas and nays on the motion of Mr. BOON to postpone the consideration of the subject until Thursday next.

The yeas and nays were ordered, and, being taken, were: Yeas 33, nays 148.

So the motion to postpone was lost.

Mr. MERCER then withdrew his motion to postpone until to-morrow, and moved to amend the motion of Mr. WHITTLESEY by adding the following words: "And that the absence of a member shall not be regarded as a disqualification for an appointment upon a committee."

Mr. A. MANN moved that the House do now adjourn.

The SPEAKER suggested that no day had been fixed for the consideration of the order.

Mr. WARDWELL then moved that the further consideration of the order be postponed until to-morrow; which motion was agreed to.

On motion of Mr. A. MANN, it was ordered that the daily hour to which the House should stand adjourned should be 12 o'clock, until otherwise ordered.

After passing the usual order for supplying the members with newspapers,

The House adjourned.

TUESDAY, DECEMBER 6.

The Hon. JOHN YOUNG, elected a member from the State of New York, to supply the vacancy occasioned by the resignation of Philo C. Fuller, appeared this day, was qualified, and took his seat.

Mr. D. J. PEARCE rose and informed the House that the joint committee appointed on yesterday to wait on the President of the United States, and inform him that the two Houses had convened, and were ready to receive such communication as he might think proper to make, had performed their duty; and that they had been directed by the President to say that, at 12 o'clock this day, he would make a communication, in writing, to both Houses.

ALTERATION OF RULES.

Mr. E. WHITTLESEY gave notice that he would, on to-morrow, submit a motion to alter the 15th rule of the House, which is now in the following terms:

"15. After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place."

Mr. W's motion provides that the rule be so changed

as that the House proceed to the transaction of the said business immediately.

Mr. GILLET gave notice that he would, on to-morrow, submit a motion that so much of the 106th rule as provides: "Nor shall any rule be suspended, except by a vote of at least two thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two thirds of the members present," be repealed.

The annual message was received from the President of the United States, through ANDREW JACKSON, Jr., Esq., his private secretary, and was read at the Clerk's table.—[See Appendix.]

The reading of the message having been completed, Mr. LOYALL moved that it be referred to the Committee of the Whole House on the state of the Union, and that 15,000 copies, with the accompanying documents, be printed for the use of the members, and also 5,000 copies of the message, without the documents.

Mr. BRIGGS wished to modify this resolution by ordering that the 5,000 copies be furnished to the House within two days. He understood that this had been done on former occasions.

Mr. LOYALL assented to the modification, and the resolution, thus modified, was carried.

The SPEAKER laid before the House several communications from the heads of Departments, which were ordered to lie on the table and be printed; the committees not yet being appointed, that course being adopted instead of a reference of them.

Mr. E. WHITTLESEY then moved to proceed to the consideration of the order for the appointment of committees; but, before taking the question,

On motion of Mr. PARKS,

The House adjourned.

WEDNESDAY, DECEMBER 7.

DEATH OF MR. DICKSON.

After the reading of the journal,

Mr. CLAIBORNE, of Mississippi, addressed the House as follows:

Mr. Speaker: It is only a few years since I witnessed from that gallery the affecting honors paid to the remains of a distinguished Representative from the State of Mississippi.* Since that period, she has lost two sons,† eminent for talents, in the public service, and you are now called on to render the last homage to the memory of another. The time that has intervened since the death of my lamented colleague saves me the painful duty of being the first to communicate it to his friends, now present. He died, sir, as he had lived, through a life of extraordinary vicissitudes, with characteristic fortitude, with but one wish ungratified—a wish so natural to the human heart—that, in his dark hour of dissolution, he might be supported by his nearest and best beloved, and the cherished beings that grew up and clustered around his fireside.

Sir, let death come when it will, in what shape it may, in the battle or the shipwreck, or in the solitude of the cloister, it is appalling to human contemplation. But when it overtakes us in a distant land, and we know that our last moments of agony and infirmity are to be witnessed by stranger eyes, and are conscious that we must be carried down to an unwept grave, where no kindred dust shall mingle with ours forever, and the last hope of home and of family fades from our filmed view, oh! sir, this is death! this it is to die! Such was the destiny of my colleague, "by strangers honored and by strangers mourned." His dying message was for those broken-hearted ones, now in widowhood and orphanage—his expiring sigh a prayer for them!

Mr. Speaker, I shall pronounce no eulogy on the dead. Let his history speak it. For twenty years he preserved a high position in the public service, and died poorer than when he entered it, leaving to his children the riches of an honorable name. If it be praise to have lived beloved and die unreproached, then it is due to him.

It now only remains for us to pay the final honors to his memory—sad, because it seems like breaking the last link that binds the living to the dead; solemn, when we reflect how soon, how very soon, some friend now present may invoke the same tribute for ourselves!

I offer you, sir, the following resolution:

Resolved, That, in testimony of their respect for the memory of DAVID DICKSON, late a Representative from the State of Mississippi, the members of this House will wear crape for one month.

This resolution was unanimously agreed to.

DEATH OF GENERAL COFFEE, OF GEORGIA.

Mr. HAYNES, of Georgia, then rose and addressed the Chair as follows:

Mr. Speaker: On me has devolved the mournful duty of announcing to this House the death of one of its members, my friend and colleague, the Hon. JOHN COFFEE, of Georgia. For a considerable portion of the last session of Congress he labored under severe indisposition, which at different periods detained him from the service of the House. Although his symptons were so mitigated before the adjournment as to enable him to resume the regular discharge of his official duties, no radical amendment had taken place, and with gradually increasing force his disease closed his existence, in the bosom of his family, in the month of September last.

In speaking of a departed friend and colleague, the language of eulogy might be excused; but to those who have been associated with General COFFEE in the labors of this House, for the last three years, such language would be unnecessary.

Suffice it to say that, in his domestic and social relations, he was eminently characterized by affectionate kindness and courtesy, and that public duties were discharged with honor to himself and fidelity to his country. As the usual mark of respect, I offer the following resolutions:

Resolved, unanimously, That this House has received with the liveliest sensibility the annunciation of the death of the Hon. JOHN COFFEE, a Representative from the State of Georgia.

Resolved, unanimously, That this House tenders to the relatives of the deceased the expression of its sympathy on this mournful event; and, as a testimony of respect for the memory of the deceased, the members will wear crape on the left arm for thirty days.

These resolutions were unanimously agreed to; and then, on motion of Mr. CUSHMAN,

The House adjourned.

THURSDAY, DECEMBER 8.

APPOINTMENT OF COMMITTEES.

After the reading of the journal, Mr. WHITTLESEY moved that the order of the House for proceeding to the appointment of committees be now taken up, with the amendment offered by Mr. MERCER, of Virginia, "that the absence of a member be not considered as disqualifying him for appointment on any of the committees."

Mr. WHITTLESEY said he entertained a hope that

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* Hon. Christopher Rankin.

† Thomas B. Read and Robert H. Adams, of the U. S. Senate.

this amendment would be withdrawn, though at the moment he did not see the honorable member [Mr. MERCER] in his seat.

Mr. HARPER remarked that he understood from the gentleman from Virginia, that, in consequence of the time which had now elapsed, he was not solicitous with regard to his amendment.

The amendment was then disagreed to, and the appointment of the committees ordered.

Mr. EVANS moved that when this House adjourn, it adjourn to meet on Monday; which was carried.

THE MADISON PAPERS.

The following message, in writing, was received from the President of the United States, by the hands of his private secretary, ANDREW JACKSON, Jr., Esq.:

To the Senate and House of Representatives:

I transmit, herewith, copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives, on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published, in a variety of forms, the naked journals of the revolutionary Congress, and of the conventions that formed the constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject-matter of it, and the circumstances under which it was prepared--long withheld from the public as it has been by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow-men, until he and all who had been participators with him in the scenes he describes have passed away--well deserves to become the property of the nation; and cannot fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present and every succeeding generation--accurate knowledge of the principles of their Government, and the circumstances under which they were recommended, and imbodied in the constitution for adoption.

ANDREW JACKSON.

DECEMBER 6, 1836.

The message, having been read, was, on motion of Mr. PATTON, referred to the proposed Joint Committee on the Library, and ordered to be printed.

Several communications from heads of Departments were laid before the House by the Speaker, and ordered to lie on the table.

DEATH OF MR. KINNARD.

Mr. DAVIS, of Indiana, then rose and addressed the Chair as follows:

Mr. Speaker: Painful as the duty may be, it is mine of this morning to announce to the House the decease of another of its members.

My friend and colleague, the Hon. GEORGE L. KINNARD, died at Cincinnati on the 25th ult., after a few days of suffering much more severe than ordinarily falls to the lot of mankind in passing that dread ordeal. The immediate cause of his death is perhaps well known to this House and to the country. It was his misfortune to suffer from one of those appalling accidents which are of but too frequent recurrence upon our steamboats, by the bursting of their machinery. He, too, like one of our associates whose death was announced on yesterday, died among strangers, yet among friends. At the hospitable mansion of the Hon. Robert T. Lytle, (where he paid the great debt of nature,) he received the most unremitting attention and kindness, as also the most unwearied services of those who rank among the first in the profession of medicine; but all would not do; the omnipotent fiat had gone forth by which he was called from the service of his country to the service of his God. Had I studied by set phrase to pass a eulogy upon his character, I should find words too cold, language too inexpressive, to do justice to his virtues. It was my good fortune to be favored for many years with his acquaintance, and to share largely in his friendship. With a clear and discriminating mind, an honest heart, and an untiring industry, he had elevated himself to the highest seat in the affections of those who knew him best. In all the varied relations of life, (to which he was about to add another of a sacred and responsible character,) he sustained the most unsullied reputation, leaving to the world indubitable evidence, not only that he was a man of high attainments, but that he was emphatically one of God's noblest works—an honest man.

Mr. D. then submitted the following resolutions, which were unanimously adopted:

Resolved, That as a testimonial of respect for the memory of the Hon. GEORGE L. KINNARD, late a member of this House from the State of Indiana, the members of this body will wear crape on the left arm for thirty days.

Resolved, That the connexions and constituents of Mr. KINNARD are joined in the sincerest condolence for the loss of that inestimable man to them, to us, and to the country.

On motion of Mr. LAY,

The House adjourned.

MONDAY, DECEMBER 12.

STANDING COMMITTEES.

The appointment of the following committees, made by the Speaker since the last adjournment, was announced by the journal.

Of Elections.—Messrs. Claiborne of Virginia, Griffin, Hawkins, Burns, Kilgore, Buchanan, Maury, Boyd, and Young.

Of Ways and Means.—Messrs. Cambreleng, McKim, Loyall, Corwin, Johnson of Tennessee, Smith, Lawrence, Ingersoll, and Owens.

Of Claims.--Messrs. Whittlesey of Ohio, Forester, Grennell, Davis, Taliaferro, Chambers of Kentucky, Darlington, Graham, and Russell.

On Commerce.—Messrs. Sutherland, Pinckney, Pearce of Rhode Island, Gillet, Phillips, Johnson of Louisiana, Ingham, Cushman, and McKeon.

On Public Lands.—Messrs. Boon, Williams of North Carolina, Lincoln, Casey, Kennon, Dunlap, Chapman, Harrison of Missouri, and Yell.

On the Post Office and Post Roads.—Messrs. Connor, Briggs, Laporte, Hall of Vermont, Cleveland, French, Shields, Hopkins, and Kilgore.

For the District of Columbia.—Messrs. W. B. Shepard, Hiester, Bouldin, Washington, Lane, Rogers, Fairfield, Moore, and Claiborne of Mississippi.

On the Judiciary.—Messrs. Thomas, Hardin, Pierce of New Hampshire, Robertson, Peyton, Toucey, Martin, Vanderpoel, and Ripley.

On Revolutionary Claims.—Messrs Muhlenberg, Crane, Standefer, Turrill, Beaumont, Craig, Chapin, Underwood, and Weeks.

On Public Expenditures.--Messrs. Page, Clark, McLene, Mason of Maine, Leonard, Haley, White, Pearson, and Chetwood.

On Private Land Claims.--Messrs. Carr, Galbraith, Patterson, Chambers of Pennsylvania, May, Huntsman, Lawler, Slade, and Garland of Louisiana.

On Manufactures.--Messrs. J. Q. Adams, Denny, McComas, Webster, G. Lee, Granger, Bynum, Fowler, and Whittlesey of Connecticut.

On Agriculture.—Messrs. Bockee, Bean, Shinn, Deberry, Bailey, Logan, Phelps, Efner, and Black.

On Indian Affairs.—Messrs. Bell, McCarty, Everett, Ashley, Haynes, Hawes, Chaney, Montgomery, and Garland of Virginia.

On Military Affairs.—Messrs. Johnson of Kentucky, Ward, Thomson of Ohio, Bunch, McKay, Anthony, Mann of New York, Coles, and Glascock.

On the Militia.—Messrs. Glascock, Henderson, Fuller, Wagener, Calhoun of Massachusetts, Joshua Lee of New York, Carter, Graves, and Holt.

On Naval Affairs.—Messrs. Jarvis, Milligan, Lansing, Reed, Grayson, Parker, Wise, Ash, and Grantland.

On Foreign Affairs.—Messrs. Howard, Cramer, Hamer, Allan of Kentucky, Parks, Cushing, Jackson of Georgia, Dromgoole, and Rencher.

On the Territories.—Messrs. Patton, Potts, Brown, Pickens, Pearce of Maryland, Hall of Maine, Johnson of Virginia, Boyd, and Miller.

On Revolutionary Pensions.—Messrs. Wardwell, Lea of Tennessee, Lay, Janes, Storer, Morgan, Klingensmith, Bond, and Fry.

On Invalid Pensions.—Messrs. Beale, Schenck, Taylor, Harrison of Pennsylvania, Doubleday, Hoar, Howell, Jenifer, and Williams of Kentucky.

On Roads and Canals.—Messrs. Mercer, Vinton, Lucas, Reynolds of Illinois, Steele, Calhoon of Kentucky, Evans, McKennan, and Hard.

On Revisal and Unfinished Business.—Messrs. Huntington, Mann of Pennsylvania, Mason of Ohio, Harlan, and Farlin.

Of Accounts.—Messrs. Lee of New Jersey, Hall of Maine, Johnson of Virginia, Turner, and McKennan.

[In addition to the standing committees of the House of Representatives, above announced, the following committees of the House of Representatives, appointed at the last session, being committees for the whole Congress, still exist, viz:]

On Expenditures in the State Department.—Messrs. A. H. Shepperd, Calhoun of Massachusetts, Hunt, Morris, and Sickles.

On Expenditures in the Treasury Department.—Messrs. Allen of Vermont, Harper, Spangler, Russell, and Barton.

On Expenditures in the War Department.—Messrs. Jones of Ohio, Bovee, Johnson of Virginia, Love, and Hubley.

On Expenditures in the Navy Department.—Messrs. Hall of Maine, Sloane, Seymour, Pettigrew, and Mason of New York.

On Expenditures in the Post Office Department.—Messrs. Hawes, Burns, Childs, Bailey, and Reynolds of New York.

On Expenditures on the Public Buildings.—Messrs. Darlington, Hazeltine, Pearce of Rhode Island, Galbraith, and Beale.

DUTY ON FOREIGN COAL.

Among the petitions presented to-day was one by

Mr. ADAMS, from S. Brainard and eleven hundred others, citizens of Boston, praying for a repeal of the duties on foreign coal, who moved that the same be referred to the Committee on Manufactures.

Mr. PATTON thought that, inasmuch as petitions of a similar import had already been referred to the Committee of Ways and Means, it would be well that this petition, also, should take a similar reference.

Mr. ADAMS said that he considered these petitions, of which there will probably be a great number, as materially affecting the whole question of the tariff, and, consequently, the whole manufacturers of the country. He did not wish to enter into any debate on the subject at this time, but he moved that the question on the reference be taken by yeas and nays.

The yeas and nays having been ordered, Mr. LINCOLN, of Massachusetts, (who had presented a petition of similar import, from sundry citizens of that State, which had been referred to the Committee of Ways and Means,) rose, and proceeded to state that, if the reference proposed by the gentleman from Massachusetts [Mr. ADAMS] was persisted in, his (Mr. L's) memorial would be placed in a very awkward situation. Mr. L. was going on to examine the propriety of the respective references proposed, when

The SPEAKER said that, under the 45th rule of the House, the subject could not be debated on the same day on which the petition was presented, and that it would come up first in order of business to-morrow morning.

So the subject was postponed accordingly.

REPORT ON THE FINANCES.

On motion of Mr. CAMBRELENG, the annual report of the Secretary of the Treasury on the subject of the finances, together with the estimates for the year 1837, was referred to the Committee of Ways and Means.

Mr. CHILDS offered a resolution granting the use of the hall to the American Colonization Society, on the evening of Tuesday next.

Mr. C. asked for the yeas and nays on this motion, which the House refused to order; and the question having been taken by a division, the resolution was adopted: Ayes 91, noes 59.

On motion of Mr. HARD, it was

Resolved, That two chaplains, of different denominations, be elected to serve during the present session of Congress, one by each House, who shall interchange weekly. Agreed to.

DUTIES ON FOREIGN GRAIN.

Mr. FRY submitted the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of immediately abolishing the duties upon foreign grain or bread stuffs of all kinds.

Mr. REED moved to amend the resolution by striking out the Committee of Ways and Means, and inserting the Committee on Agriculture.

Mr. FRY said the question involved in the resolution was a plain matter of fact; and that, though he had no great solicitude as to the reference, he thought the one proposed by himself was the most appropriate.

Mr. REED thought that, as the question was one which bore greatly on the interests of the agricultural community, he thought it would be best to refer it to the committee having the special care of those interests.

The question on the amendment was then taken and carried: Ayes 87, noes 67. So the amendment was agreed to.

Mr. REED observed that there existed no manner of necessity that this resolution should be referred to the Committee of Ways and Means, since every body is well aware that the revenue is sufficient, and far from requiring expedients or inquiries relating to an increase of it. He also deemed it to be a desirable thing that importations from all countries should be made as free as possible, and even without duty. But, (Mr. R. observed,) representing as this House did the interests of the whole country, we were bound to examine into the subject. He was therefore of opinion that the whole question should be referred to the Committee on Agriculture, as being the most appropriate for its consideration, and because the whole agricultural interests of the country were concerned in this question. It is true (observed the honorable member) that this is a year, it may be almost said, of famine, such as has not been known for twenty years; but, notwithstanding, it must not be lost

sight of that the most important interests were in direct opposition to this proposition. He concluded by proposing, as an amendment, that the resolution be referred to the Committee on Agriculture.

A division took place, when there appeared for the amendment 87, against it 58. So the amendment was carried.

Mr. J. Q. ADAMS proposed, as an amendment, to insert the words "also foreign coals, salt, and iron." "Sugar" was also proposed to be inserted, at the suggestion of a member.

A debate was about to spring up on this question, when a motion was made to postpone the further consideration of the subject to Monday next; which motion was carried.

BOUNTY LANDS.

Mr. GILLET moved the following resolution:

Resolved, That the Committee on the Public Lands inquire into the expediency of so altering the laws relating to bounty lands as to allow those entitled to them to locate on any public lands subject to entry at private sale, or to receive land scrip in lieu of bounty land.

Mr. GILLET said he would explain the object of his resolution. It was within the recollection of most of the members present, that the soldiers of the last war were promised bounty lands. The act which contained this promise provided that public lands should be surveyed in Michigan, Illinois, Missouri, and Arkansas, if he remembered rightly. The survey in Michigan was never made, and the lands set apart in Illinois and Missouri were long since exhausted. Consequently, those who have not received their bounty lands are compelled to locate them in Arkansas. The lands there, he presumed, were good and valuable, but they were at too great a distance from the Northern soldiers to be valuable to them. They can neither go there to settle on them, nor can they readily sell them. If they keep them, it is difficult for the owner to pay taxes at such a distant point, with which Northern people have little or no communication. By the very words of the promise, the soldier has a right to lands at the North, where they are the most valuable to them. This will work no injury to the United States, but may greatly benefit the war-worn soldier, who may desire to settle upon or sell his lands. He conceived, with his friend from Ohio, [Mr. VINTON,] that the issuing scrip would be highly advantageous and convenient to the soldier, and prejudicial to no one.

The resolution was agreed to.

THE DISTRIBUTION SURPLUS.

Mr. MERCER moved the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report a bill to amend the 13th section of the act of the last session of Congress, entitled "An act to regulate the deposites of the public money," by releasing the several States who may receive any part of the surplus revenue of the United States, in pursuance of that act, from any obligation to return the same.

The resolution having been read,

Mr. MERCER, after a few observations upon the object of this proposition, moved to postpone the consideration of the resolution till Wednesday week next, and make it the special order of the day for that day.

Mr. DUNLAP remarked: Mr. Speaker: I am opposed to the gentleman's resolution being made the special order of this House. The resolution involves a very important question, to wit, the power of Congress to distribute the surplus revenue. This important constitutional question was avoided at the last session, and now it is intended to be brought up, to the exclusion of all other business. The States have the money, and may do what they please with it, and I wish the discussion of this subject to be postponed until a long session of Congress. This will be a very short session, and should be a business session. The Tennessee land bill, in which my constituents are immediately interested, has heretofore been postponed for the want of time, so much having been spent in the discussion of important political questions. I would be doing injustice to the interests of my constituents, if I did agree that this important question should be taken up, to the exclusion of other business. Sir, this question alone would occupy weeks in its discussion, and other measures must be made to give way to it, when no legislative action can be had on it this session. I am opposed to all unnecessary discussion at this session; and I desire that the business of the American people should be attended to. I therefore move that the resolution be laid on the table.

Mr. MERCER asked for the yeas and nays on the question of laying his resolution on the table; which were ordered; and being taken without debate, (the rules not admitting debate on a motion to lay any proposition on the table,) stood as follows:

YEAS—Messrs. John Q. Adams, Anthony, Ash, Barton, Beale, Beaumont, Black, Boon, Borden, Bouldin, Bovee, Briggs, Brown, Cambreleng, Campbell, Carr, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Craig, Cushman, Davis, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Fowler, Fry, Fuller, Galbraith, J. Garland, Gillet, Glascock, Granger, Grantland, Grayson, Grennell, Griffin, Haley, Joseph Hall, Hamer, Albert G. Harrison, Hawkins, Haynes, Henderson, Hiester, Hoar, Holt, Hopkins, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Klingensmith, Lansing, Laporte, Lawler, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, McKay, McKim, McLene, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Phillips, Pickens, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Robertson, Russell, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Taylor, Thomas, J. Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, Yell--126.

NAYS—Messrs. Chilton Allan, Heman Allen, Bailey, Bell, Bond, Buchanan, Bunch, John Calhoon, William B. Calhoun, Carter, Casey, George Chambers, John Chambers, Childs, Nath. H. Claiborne, Clark, Connor, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, French, Rice Garland, Graham, Graves, Hiland Hall, Hannegan, Hardin, Harlan, Harper, Hawes, Hazeltine, Howell, Ingersoll, Janes, Jenifer, Henry Johnson, Lane, Luke Lea, Love, S. Mason, Maury, McCarty, McComas, McKennan, Mercer, Montgomery, J. A. Pearce, Pearson, Pettigrew, Peyton, Potts, Reed, Rogers, W. B. Shepard, A. H. Shepperd, Slade, Sloane, Standefer, Storer, Sutherland, Taliaferro, Turner, Underwood, Vinton, Washington, White, L. Williams, S. Williams, Wise—73.

So the resolution was ordered to lie on the table.

The presentation of resolutions was continued, in the order of States, till 3 o'clock; when

The House adjourned.

TUESDAY, DECEMBER 13.

THE PRESIDENT'S MESSAGE.

On motion of Mr. LOYALL, the House resolved itself into a Committee of the Whole on the state of the

Union, (Mr. ADAMS in the chair,) on the annual message of the President of the United States.

Mr. LOYALL moved that the reading of the message be dispensed with, which was agreed to; and thereupon Mr. L. offered a series of resolutions, referring the various parts of the message to the appropriate committees.

On motion of Mr. LOYALL, it was agreed that the resolutions should be taken up separately. The first resolution was as follows:

1. *Resolved*, That so much of the President's message as relates to the political relations of the United States with foreign nations be referred to the Committee on Foreign Affairs.

The resolution was adopted.

The second resolution, in the following terms, was adopted:

2. *Resolved*, That so much of the said message as relates to the commerce of the United States with foreign nations and their dependencies be referred to the Committee on Commerce.

The third resolution, in the following terms, was agreed to:

3. *Resolved*, That so much of the said message as relates to the finances, and every thing connected therewith; the safe keeping of the public moneys, and every thing connected therewith; the Bank of the United States, including the stock of the United States in that institution, be referred to the Committee of Ways and Means.

The fourth, fifth, and sixth resolutions were then severally agreed to *nem. con.*

4. *Resolved*, That so much of the said message as relates to the public lands, and all things connected therewith, be referred to the Committee on the Public Lands.

5. *Resolved*, That so much of said message as relates to the report of the Secretary of War, and the public interests intrusted to the War Department, except so much thereof as relates to Indian affairs, be referred to the Committee on Military Affairs.

6. *Resolved*, That so much of the said message as relates to the militia of the United States be referred to the Committee on the Militia.

On the reading of the seventh resolution, viz:

7. *Resolved*, That so much of said message as relates to the Indian tribes, and every thing connected therewith, be referred to the Committee on Indian Affairs—

Mr. LEWIS moved that the words of the resolution "and all connected therewith" be stricken out, and the words "connected with the breaking out of hostilities in Alabama and Georgia," and that the subject be referred to a select committee.

Mr. LEWIS, in support of his amendment, said that his reasons for proposing the reference of this subject to a select committee were founded on the following passage of the President's message:

"On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia, it became necessary, in some cases, to take the property of individuals for public use. Provision should be made, by law, for indemnifying the owners; and I would also respectfully suggest whether some provision may not be made, consistently with the principles of our Government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops."

He (Mr. L.) did not desire to refer this subject to a special committee out of any disrespect to the Committee of Claims, or that of Indian Affairs; such was not his motive. It was evident, from the paragraph of the message which he had read, that the President saw a difference in principle between the cases of suffering and depredation in the late war in the Creek country, and between former cases of Indian depredations. Had this not been his view of the case, he certainly would not have recommended special relief to be extended. Another reason which appeared to him (Mr. L.) to render it expedient to refer these claims to a special committee was the fact that so great was their number likely to be, that it would certainly throw upon the two committees to which the resolution proposed to refer them a mass of business such as they could not conveniently dispose of. It was also his desire, both from respect to the President and to his own constituents, to obtain a direct and distinct decision upon these claims, as being peculiarly different in their principle from all the other topics belonging to the sphere of the Indian department.

Mr. BELL suggested an amendment to Mr. LEWIS's amendment; which Mr. LEWIS expressed himself willing to accept.

Mr. GLASCOCK supported the amendment, on the ground that it would not be in the power of a standing committee to do justice to the multiplicity of petitions which would come before them; he therefore hoped the amendment would be concurred in by the House.

Mr. WILLIAMS, of North Carolina, said he could see no difference whatever between these or other claims arising out of Indian depredations at any former period. If any familiarity with such kind of claims, if any experience on such topics, was to be found any where, he was certain that it was to be found in the Committees of Claims and on Indian Affairs; he was therefore at a loss to conceive why this subject should be taken out of their hands, and placed with a select committee. He concluded by moving to amend the amendment by striking out the words "select committee," and inserting "the Committee of Claims."

Mr. LEWIS, in reply, observed that the honorable member professed not to observe any difference between these and former claims under Indian depredations; it was evident, however, that the President contemplated them under a peculiar aspect, or else he would not have made a special mention of them; this was with him sufficient reason to warrant the appointment of a select committee.

The CHAIR suggested that the question before the House was upon the adoption of the original resolution. The resolution was then read by the Clerk, and afterwards the proposed amendment of Mr. LEWIS.

Mr. GLASCOCK proposed a slight modification to the amendment, which the honorable mover accepted.

The question on the original resolution was then put by the Chair, and it was agreed to; after which,

Mr. LEWIS's amendment, as modified by Messrs. BELL and GLASCOCK, was put.

Mr. E. WHITTLESEY spoke in opposition to the reference to a special committee. He contended that there existed no special difference in principle between these and other claims arising from similar causes. He deprecated the adoption of new principles of proceeding, upon the arising of new claims the same in principle with others. The Committee of Claims (observed Mr. W.) brought forward a bill, which passed in April of the year 1816, in reference to Indian depredations of all kinds, and to all other sufferings incurred in cases of war, whether those sufferings originated from the enemy or from the necessary requisitions of our own troops; there can, therefore, be no necessity (said Mr. W.) for a select committee in the present case, as no new principles ought to be established for the settlement of such claims, nor ought the principles now established to be changed or enlarged.

Mr. GLASCOCK said he concurred in the general views expressed by the member from Ohio, [Mr. WHITTLESEY,] but it occurred to him (Mr. G.) that the difficulty which was anticipated by referring this subject to a select committee would not occur. If that committee,

in adjudicating the cases which came before them, deviates from those original rules and well-settled principles which had heretofore governed such cases, the House, whose province it was to supervise the reports, might reject or approve them, as seemed best. The great object to be attained by the reference to a select committee was, to expedite the action of the House; and he believed that the many claims which would be presented would throw an obstacle in the way of the Committee of Claims or the Committee on Indian Affairs giving the proper consideration to the subject. A select committee might give its whole attention to the subject, and select for the consideration of the House such cases as were entitled to its credence. He did not believe that a select committee would violate the general rules heretofore established, and yet there might be extreme cases which those general rules would not reach. He hoped the Committee of Claims would consent to the reference to a select committee.

Mr. D. J. PEARCE said that the House had yet to learn that the Committee of Claims was either unable or unwilling to discharge any duties which might be assigned to them. Was there any sufficient reason to change the direction of the reference? What was the direction given to analogous cases, growing out of the war with Great Britain? If a man's horse was lost, did he go to a select committee? If the military trampled down a man's field of corn, was it necessary to go to a select committee? No. The usual course had been to refer such subjects to the Committee of Claims; but, independent of them, there were other considerations which rendered the usual reference necessary. The Committee of Claims had rules upon which they had been accustomed to act, the operations of which had been tested, and decisions made on those rules had been passed on by the House. But what would the House think of the new rules of the select committee? Would the House give the same weight to what was done that it would to the proceedings of the Committee of Claims? If, then, the House was anxious for speedy action and prompt decision, he should suppose that the usual course was preferable to a novel one. He had heard no reason why the usual course should be departed from. Did the gentleman who came from that section of the country in which the persons making these claims resided expect that the claims should be passed on differently from others? If not, why so anxious to change the course? Are they apprehensive that less than justice will be done to them? Did they want more than justice? He thought not; and what had been done before in similar cases would, he presumed, be satisfactory now.

Mr. LEWIS said it did not appear that the chairmen of the Committee of Claims or of the Committee on Indian Affairs had any objection to the proposed reference to a select committee. The only object aimed at by himself was to secure a thorough examination to the claims which might be brought up. The President of the United States had recommended an indemnity. According to the general rule, losses growing out of a war were not subjects of indemnity. If there were reasons of a special character in the present instance, which rendered such indemnity proper, he wished to have them investigated and reported on by a select committee, who would present them to the House in proper form; and if the House assented to the truth of the conclusions given, they would act accordingly. He wanted no exemption from the rules proper for the government of such a committee. He wished only to see a full statement of the reasons why this indemnity should be granted.

The question on striking out the words "select committee," and inserting "Committee of Claims," was taken, and carried, and the resolution, as amended, was adopted.

8. *Resolved*, That so much of the said message as relates to the report of the Secretary of the Navy, and the public interests intrusted to the Navy Department, be referred to the Committee on Naval Affairs.

The resolution on referring that part of the message relating to an amendment of the constitution was then taken up.

Mr. UNDERWOOD moved to strike out all after the word "*Resolved*," and insert the following: "That so much of the President's message as relates to an amendment of the constitution, together with all propositions and resolutions submitted at the last and present sessions of Congress, proposing an amendment of the constitution, be referred to a select committee, to be composed of ——— members.

Mr. LINCOLN inquired if such an amendment was in order. The House had gone into Committee of the Whole on the President's message only; and he submitted whether other matter, not embraced in the message, could be then considered and referred.

The CHAIR decided the amendment to be in order, on the ground of the identity of the subject.

The amendment was agreed to by a vote of 93 to 51, and the resolution, as amended, was also agreed to, and the committee ordered to consist of nine members.

The next resolution was as follows:

9. *Resolved*, That so much of the said message as relates to the report of the Postmaster General, the condition and operations of the Post Office Department, and every thing connected therewith, be referred to the Committee on the Post Office and Post Roads.

Mr. CARTER offered a resolution referring to a select committee so much of the President's message as related to the compensation of the Tennessee volunteers who had been called out from that State, but who had not been mustered into the public service.

Mr. BELL thought that the House would agree as to the propriety of the investigation proposed, and hoped that the resolution would be adopted. If there was any objection to a select committee, he hoped the subject would be referred to one of the standing committees.

Mr. D. J. PEARCE moved to strike out the words "select committee," and insert "Committee on Military Affairs."

Mr. CARTER accepted the modification.

Mr. C. JOHNSON moved the reference to the Committee of Claims.

Mr. CARTER said his only object in asking for a select committee was despatch. The volunteers were men only in very moderate circumstances; and unless some provision was made for them at the present session of Congress, it would be of little avail to make it at all. They had appeared at the rendezvous, under the belief that they were called out for twelve months' service; but when they got there, the officers refused to muster them, and they received nothing, either for expenses or otherwise, and they returned home as well as they could. The men were entitled to compensation, and the subject should be acted on at the present session.

It was well known that all the troops who volunteered in Tennessee had not been treated as kindly by the Government as their promptitude and patriotism absolutely demanded; and if the present session of Congress was allowed to pass away without some provision being made, it was not to be expected that they would come forward so promptly at a future time to answer the call of the Government. A damp would be thrown upon their patriotism. He was himself acquainted with a large portion of these volunteers, who were poor men, engaged in the pursuits of agriculture, and supporting their families by such means; they had sold out their crops, believing that they were certain of employ for twelve months to come, but were rejected, and thus deprived

of the means of life. The relief, to be available, ought to be immediate, and he hoped the committee would agree to the reference.

The question was then taken on the motion of Mr. C. JOHNSON to refer the subject to the Committee of Claims, and was agreed to: Ayes 97, noes not counted.

And the resolution, as amended, was adopted.

EXECUTIVE ADMINISTRATION.

Mr. WISE rose and offered the following resolution:

Resolved, That so much of the President's message as relates to the condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation, be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said Departments, or their business or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured or impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.

Mr. WISE then addressed the House as follows:

Mr. Chairman: In submitting the resolution of reference which I have sent to the Chair, I deem it my duty to offer some reflections to the House and to the country.

Sir, this paper is the last annual message of Andrew Jackson. The contemplation of it as such is deeply affecting to the sincere lover of him, and solemnly mournful to the honest lover of his country.

What should the last annual message of Andrew Jackson have been? Who is he, what has he been? The answer to this question ought to determine what this last act of its kind of his should have been.

A man of humble but respectable origin, he was born in the times of his country's travail for independence. His precocious spirit of resistance to oppression marked his infant body with the scars of the Revolution. After the times which tried men's souls had passed away; after the blessings of freedom had been secured by all the muniments of the institutions of our fathers, the fruits of peace, and virtue, and wisdom, and jealous patriotism; after varied and chequered scenes of private and public life, under a destiny adverse only so far as it was full of dangers, in games not olympic, in contests not heroic, we find him in the midst of his country's second troubles a citizen soldier, a major general of the army of the republic.

He "was ambitious of fame; and as long as mankind shall continue to bestow more liberal applause on their destroyers than on their benefactors, the thirst of military glory will ever be the vice of the most exalted characters." A bold, energetic, and dauntless commander, he carried conquest, in spite of all dangers and difficulties, into the wilderness of the savage tribes of the Southern frontier; was the daring but successful and justified invader of a neutral territory, and finally "filled the measure of his country's glory" in defence of Orleans, where he assumed to be the arbiter of martial law, the judge advocate of men's allegiance--where he conquered the conquerors of Napoleon--where he professed and practised submission to the civil authority, and where he acquired the title of Hero. And there was created, I will say, "a dear-bought debt of gratitude" from his country.

"Hail, second Saviour!" was shouted from the lips of every grateful heart, and echoed from every hill and valley; his name was emblazoned high on the rolls of imperishable military fame, and peace was quick to hallow his victory. With peace his warlike occupations were gone, but civil honors were showered and thickened around him. From the camp he rose to a seat in the Senate chamber--for then the Senate chamber was higher than the camp. He bore, or seemed to bear, his honors patiently; but all that had been done or could be done, it seemed, was not enough for him, in the estimation of a generous people. He was nominated for the first place on earth--the presidency of these united, sovereign, and independent States of America; for then these States were united, sovereign, and independent. Civilians and statesmen, of proudest names and stations, were his competitors, but he was the people's candidate, against men in office, against the powers that were, against their intrigues, their patronage, and their caucuses; and in consideration thereof, and of his just appellation of Hero, he was most popular and strongest in the plurality of votes. He was defeated--defeated here, in this hall, in the House of Representatives, by men such as we are—and what we, the representatives of the people, are, I will not name--by means I will not describe. It is sufficient to say that the manner of his defeat was not only enough to insure his subsequent triumph, but to rivet him immoveably, right or wrong, in the hearts of his countrymen forever. He became the champion of popular rights and the elective franchise, against office-holders and office-seekers--the favorite pet of the people, who was to scourge bribery and corruption, whose name was to be terror to all evil-doers, whose policy was to be retrenchment and reform, by whom the independence of Congress of executive patronage was to be maintained, by whom that patronage was to be curtailed to harmlessess, and in whom "the line of safe precedents" was to be broken and destroyed. He was swept and rushed along on the roaring tide of an overwhelming popularity high up into office, on the second flood, and that popularity has never deserted him--no fickleness in it, it has never retired for a moment; notwithstanding strong winds which have blown from every point of the compass, and opposing currents in every direction, it has continued to swell and swell, until it has become a flood--I will not say which threatens the dry land. He came into power professing and proclaiming the most severe, ay, stoical democratic principles; the people confided in him, were bound to him the closer, and have never wavered yet in their confidence--I will not say, though he has tried it to the uttermost. Unfortunately for him, when he was crowned with the reward of his military services, and was inducted into office, he not only found "competitors to be removed, enemies to be punished," but he was beset by friends from whom he should have put up prayers to be saved. I will not say that he was lacking in those magnanimous qualifications of a truly great man, which alone could rid him and guard him from these misfortunes--for man, poor feeble man, is weak under the most ordinary temptations, and his virtue must be strong who presides in a palace--but misfortunes they were.

So it was, he was buoyed up in the affections of the sovereign people. Has he done wrong? He was popular. Has he done worse than wrong? He was popular, and he was the President who could do no wrong, in whom popularity was joined with power and patronage. Has ruthless proscription for opinion's sake turned faith-

ful public servants out of their employment, and snatched from the mouths of their families their bread? We are told the President ordered the removals, and the people had sanctioned proscription! Has favoritism filled the vacancies which proscription has made with the servile tools of party, to do the bidding of power? We are told that the President had need of his own friends, and that the people have sanctioned the maxim, "that to the victors belong the spoils!" Have the highest and richest offices, worth more than half of a million, been bestowed as rewards upon members of Congress, and has "corruption become the order of the day?" We are told that the President was the best judge of the selection of high functionaries, and that the people have sanctioned the "order of the day!" As "till the reign of Severus, the virtue and even the good sense of the Emperors had been distinguished by their zeal or affected reverence for the Roman Senate, and by a tender regard to the nice frame of civil policy instituted by Augustus," so had the virtue and even the good sense of preceding Presidents, till the reign of Andrew Jackson, been distinguished by their zeal and reverence for the American Senate, and by a tender regard for the nice frame of civil policy instituted by the fathers of our republic! Had "his youth," like that of Severus, "been trained in the implicit obedience of camps, and his riper years spent in the despotism of military command! could not his haughty and inflexible spirit discover, or would he not acknowledge, the advantage of preserving an intermediate power, however imaginary, between the Emperor and the army?" As in the reign of Severus, was "the Senate filled with polished and eloquent slaves from the eastern (and I may add southern) provinces, who justified personal flattery by speculative principles of servitude?" Have the lawyers of his reign, whom I will not call Papinians or Pauluses, or Ulpians, "concurred in teaching that the imperial authority was held not by the delegated commission, but by the irrevocable resignation of the Senate? and that the Emperor might destroy vested rights and the in corporations of law by his *sic volo?*" We are told that the aristocratic Senate had dared to offend the majesty of the President, and that the people have sanctioned the word "expunge!" Has the independence of Congress been totally destroyed by corrupt bribes and the power of appointing members to office? We are told that the representatives of the peopleare selected to do the will of the President, and that the people have sanctioned the creed that there can be no treason to the country so long as there is fidelity to "the party." Has the President "assumed the responsibility," seized the custody and the control of the public money, in defiance of all law and precedent, and placed them in the hands of a traitor and a perjured knave? We are told that the monster bank was his enemy, and that the people have sanctioned the "union of the purse and sword." Has he assumed to himself judicial powers, and the prerogative to administer the laws and the constitution according to his own interpretation and his own irresponsible will? We are told that the President's conscience alone is concerned in their execution, and that the people have sanctioned in him the power of imperial magistrate. As imperial magistrate, has he "assumed the conduct and style of sovereign and conqueror, and exercised, without disguise, the whole legislative as well as executive power?" We are told that the President is "the Government," and that the people have sanctioned the pretension that all offices and their powers are his! Have the expenditures of his administration increased and grown enormously beyond all example, to thirty-eight millions from fifteen millions, without a cent of public debt to be paid? We are told that the President is the best judge of the wants of the country, and that the people have sanctioned wasteful and profligate extravagance! Have thousands and hundreds of thousands been expended on east rooms, and gravel walks, and all the regalia of a palace in fact, for a republican officer in form? We are told that the President's court should be as splendid as any King's, and that the people have sanctioned royalty! Has the patronage of the Federal Government been tremendously increased, and exerted in conflict with the freedom of elections? We are told that the reign of the President should be perpetuated, and that the people have sanctioned the interference of office-holders with the elective franchise! Has the currency of the country been totally deranged, and is there danger of a universal crash in trade and finance? We are told that the President's golden experiment must be fully tested to our hearts' content, and that the people have sanctioned the "inverted pyramid" of local bank paper rags, which threatens to totter over our heads! Has "the fine theory of a republic insensibly vanished, and made way for the more natural and substantial feelings of a monarchy?" We are told that the President may be a king by the will of the people, and that the people have already consented to the change! Has the President been "freed from the restraint of civil laws, can he command by his arbitrary will the lives and fortunes of his subjects, and," finally, "has he disposed of the empire, as of his private patrimony," by nominating and electing his successor? We are told that the President was entitled to his right of election as well as other men, and that the people have sanctioned and submitted to his dictation!

Sir, let me not be misunderstood. Let no one infer that I am indulging in any tirade against the President, or that I am venting any spleen whatever. No, sir; no. Far, far be it from me now, now when it is too late, if ever it was right and proper, to indulge in stronger invective against a Chief Magistrate than truth and patriotism required. He of whom I speak is, I deeply regret, now lying on the couch of human suffering, the last, I fear, from what I am told, of his sufferings in this world of sorrow. I too have served him with more than half the zeal I ever served a more omnipotent master. He will, if he lives, soon retire from the palace of power, and resign all the pomp and circumstance of state and station into other hands, which are to reign after him. God grant, sir, that his retirement may be that peaceful and calm and blessed retirement from the harassing cares of office, which belongs to wisdom, virtue, and the consciousness of being a public benefactor--such as was illustrated in the examples of a Washington and a Madison. My prayer fervently is, that he may yet live long at his beloved Hermitage, in the holy retreat of his own private sanctuary, and spend the decline of his days in solemn reflections upon the scenes and events of a long life, most actively spent in deeds big with the fate of a country he has defended, and of its institutions "hallowed by the wisdom of sages, and consecrated by the blood of heroes." May he live long to witness the effects of his errors, if errors he has committed, to acknowledge and repent of them; and in like manner to enjoy the blessings of his administration, if of any blessings it has been fruitful. No, sir; my meaning is not now to condemn the President, but to defend the people. This is the sole object of the questions I have put. I do not mean to accuse the President of all these enormities against civil liberty, of which I have asked--is he guilty? Nor do I admit, if he is guilty of them, that the people have sanctioned all or any which I have enumerated. But, sir, I merely state the fact, that the party who claim to hold him in keeping, and to hold on to his power after him, claim and tell us that the people have yielded every thing worth preserving, and have sanctioned all these enormities, and more, and worse. What their object may be in admitting these encroachments,

and in claiming that the people have sanctioned and approved them, I know not, unless they mean hereafter to rely upon most "unsafe precedents!" The fact is alarmingly so, that these claims are now set up, going so far as to asperse the people whom they affect so much to reverence with approving and sanctioning proscription, corruption, arbitrary power, the destruction of the checks and balances of the Government, profligate extravagance in its administration, executive dictation, royalty itself, and a caucus succession in an elective monarchy? In advance, I warn them that I now deny the fact that the people have sanctioned or approved of any such unpardonable sins against them or their only bulwarks of safety. If this people have yielded already what "the party" claim, they would have yielded all for which their fathers fought; and those fathers would rise, if the mighty dead could rise, from their very graves to reproach their debased degeneracy, and their cruel injustice alike to them and all posterity.

I have done no wrong to Jackson, then, as all candid minds will bear me witness; I have given him credit for "every captive he has brought to Rome." At the same time, I do not mean to say he has not committed many grievous errors. For many of them I can well account, though I cannot pardon. We are taught in history that "suspicious princes often promote the last of mankind, from a vain persuasion that those who have no dependence, except on their favor, will have no attachment, except to the person of their benefactor." Thus were the Perennises and Cleanders prompted by a Commodus; and such ministers were well qualified to drive from the esteem of such a prince the "faithful counsellors to whom a Marcus had recommended his son." The one "a servile and ambitious minister, who had obtained his post by the murder of his predecessor, but who possessed a considerable share of vigor and ability;" the other "was a Phrygian by birth, of a nation over whose stubborn but servile temper blows only could prevail. He had been sent from his native country to Rome in the capacity of a slave. As a slave he entered the imperial palace, rendered himself useful to his master's passions, and rapidly ascended to the most exalted station which a subject could enjoy. His influence over the mind of Commodus was much greater than that of his predecessor. Avarice was the reigning passion of his soul, and the great principle of his administration. The rank of consul, of patrician, of senator, was exposed to public sale. In the lucrative provincial employments the minister shared with the governor the spoils of the people. The execution of the laws was venal and arbitrary."

Is it astonishing that, with ministers like those of Commodus, tempted as they were by the public money in deposite, and by the vast public domain of this nation, stretching over rivers and lakes, and prairies of unbounded extent and inexhaustible fertility, Jackson was duped, and the public deposites were removed within reach of Perennis and Cleander? Again, sir, an incident in the history of this same Emperor, very similar to the one in the history of our own President, accounts for his hostility to the Roman Senate: "One evening, as the Emperor was returning to the palace through a dark and narrow portico in the amphitheatre, an assassin, who waited his passage, rushed upon him with a drawn sword, loudly exclaiming, 'The Senate sends you this.' The conspiracy was proved to have been formed not in the Senate, but within the walls of the palace." But "the words of the assassin sunk deep into the mind of Commodus, and left an indelible impression of fear and hatred against the whole body of the Senate. The Delators, a race of men discouraged, and almost extinguished under the former reigns, again became formidable as soon as they discovered that the Emperor was desirous of finding disaffection and treason in the Senate." Sir, we all know that in the snapping of a percussion cap the President heard distinctly the words, "The Senate sends you this"--that that detestable race of men called Delators were ready to swear that the conspiracy was formed in the Senate; and, if there was not a better reason, perhaps to the act of a madman now confined in prison might be ascribed the President's past hostility to the Senate. But there is a better reason. "By declaring themselves the protectors of the people, Marius and Cæsar subverted the constitution of their country." And, perhaps, in the histories of Marius and Cæsar, our modern Cleanders learned that an "humble and disarmed" Senate is always "found a tractable and useful instrument of dominion."

In a certain event, if the election of President had failed in this House, an "humbled and disarmed Senate" might have been found--a "tractable and useful instrument," indeed, to elect an Elagabalus, under whom another Hierocles might have enjoyed the honor of being "empress, husband;" and under whom "a dancer might have been made præfect of the city, a charioteer præfect of the watch, a barber præfect of the provisions," and all "recommended as fit officers—*enormitate membrorum!*" Sir, I might enumerate numberless such excuses for numberless such errors of the President, or rather of the President's ministers. But enough has been said; and I mean not to condemn or accuse him, I repeat, but to defend the people whom "the party" accuse and condemn.

If it be true, as we are told, and I do not say it is not true, that the President has made and unmade men in office, has proscribed the faithful, has corrupted the pure, has humbled and disarmed the Senate, has made the House of Representatives servile and dependent, has seized and squandered the public money, has deranged the currency and endangered every man's estate, has controlled elections, has assumed royal prerogatives, made himself a king and a king his successor; and if it be also true, which I utterly deny, that the people have sanctioned all this exercise of absolute power, I ask gentlemen of all parties, those even who claim to be the exclusive keepers of the king's conscience, if this does not prove one virtue--the virtue of constancy, at least, in the people? Have they not been constant and confiding beyond measure in their attachment to him? Has their fault not been in too much confidence and constancy?

If what they say be true, and it is a main argument with them, that "the voice of the people is the voice of God;" that whatever Jackson has done they have sanctioned; that he spake, and they willed it; that he vetoed, and they voted with him; that he dictated, and they obeyed; is this not proof positive that their affections and their voices have ever sustained, have ever animated, have ever indulged, have ever justified and excused him? Such unexampled confidence, such unexampled constancy, such unexampled attachment and affection, were never witnessed before in any people towards any ruler; and I put it to the candor and sense of justice of all men to say, whether what the people have yielded to their favorite has not been more, trebly more, than reward enough for all his services and sacrifices, however great? Admitting the debt of their gratitude to him to have been ever so great, I ask if the debt has not been more than paid? Whether the President does not now owe more than he can ever pay to a generous people, who have confidingly, to a criminal degree, intrusted him with their all--their honors, their rights, their liberties, their sovereign power? Sir, what can one aged man, fast hurrying to the grave, pay to a people in consideration of what all the treasures of earth, and all the blood of them and their children, may not buy? Nothing! Nothing! Yes, yes, there is one boon, one sacred legacy, of inestimable value, which, in parting from them and the world, he might have left them. He might

have left them the legacy of a patriot's advice. He might have left them the truth, and solemnly imprinted it upon their minds and memories forever, that "they had trusted him too much," and his advice to them, "never, never in their history, to trust another man as they had trusted him," and he might have returned to them their trust, and have restored them to their senses. This, and this only, would have repaid them. It would have restored to them what has been taken from them, which alone can compensate for itself.

The last message of such a President to such a people should have been the "farewell" of a father to his children. It should have been deep in wisdom, profound in its philosophy, hallowed in its lessons of virtue, calm in its tone and temper of reason, eloquent in its appeals, sublime in its moral, and passionate only in its fervent affection. It should have been the legacy of Augustus to his successors, the "farewell" address of Washington to his countrymen!

But this is the last annual message of Andrew Jackson! I would, for him and his country, that it was any thing but what it is. And why is it what it is? Gentlemen will pardon me—I mean nothing disrespectful to the President--when I say they know it is due to candor and truth to say--it is what it is, because it is not the message at all of Andrew Jackson! They know that, immediately upon the adjournment of the last session of Congress, the President and his prime ministers were dispersed from their duties at the seat of Government, and from the cares of public business, on their respective missions to the States of this Union. He of State bore despatches to Georgia, and "the Old Chief himself" was lugged along through Western Virginia, over

> "Ruts and ridges,
> And bridges
> Made of planks
> In open ranks,"

to Tennessee and Alabama. It is a pity, sir, that more of the people had not witnessed the executive electioneering tour; for then, perhaps, more of the States would have followed the example of Georgia and Tennessee, neither of which could be seduced or intimidated into the support of "the man"—a Tennessee toast said, "the dog"--as well as "the master." I am told that they carried him about like a lion for show, and made him roar like a lion. They had catechisms prepared for him, and the negotiations of the mission were conducted by preconcerted questions and answers. A crowd would collect—on the highway or in the bar-rooms, no matter which--and some "village politician" of "the party" would inquire—"What think you, General, of such a man?" In a loud tone, much too stentorian for those lungs which are now lacerated, the answer rung--"He is a traitor, sir." "There, there!" repeated the demagogues to the crowd--"did you not hear that?" "What think you of another, General?" "He is a liar, sir!" "What of another?" "He is a black-cockade federalist!" Of another? "He made a speech for which he paid some stenographer five dollars!" And another was—"Of no account—no account, sir, and ought to be sent home to have his place supplied by a more efficient man;" and another was—"Upon the fence, sir—upon the fence!" "But, General, what think you of—Mr. (the first time Reuben was ever called mister!) Reuben M. Whitney?" "There is no just cause of complaint against Mr. Whitney, sir; he is as true a patriot as ever was; they are all liars who accuse him of aught wrong, and the official documents prove them to be so!" All the while these responses were repeated by the deacons of the service, and the people were called to give heed to them. Those who saw the farce and the frauds did heed them, sir--did heed them.

My friend [Mr. PEYTON] told them that they would kill him; that there was too much travel and fatigue; too much standing and talking; too much bustle and excitement for a weak and infirm old man to bear. But still they showed him about, in the heat of summer, and still they made him roar, until he frightened the people, who at last began to apprehend he was a lion come to devour their freedom of elections, and all else they valued as dear. Defeated in his mission, he at length became disgusted himself, chagrined, and mortified. He returned to Washington through Ohio, and, by the Guyandotte route, through Virginia again, and has been sick and disabled ever since. The loss of Tennessee, particularly the Hermitage, excited him still more, and this renewed excitement may have caused that hemorrhage at the lungs which has been pouring out the current of his life. At no moment since his return has he been able to write or dictate a message. There he has been lying, as it were, a dead lion, who could not even "shake the dew drop from his mane," and his couch of infirmity has been haunted by the Perennises and Cleanders of his palace as by vampyres. In their hands has he fallen; and it is because this "last annual message" comes to us and the country reeking with the fumes of the kitchen cabinet that it is what it is!

What is it? The worst as well as the last annual message which Andrew Jackson even ever wrote--I had like to have said, ever sent to both Houses of Congress. Its vanity and egotism--its profane hypocrisy and solemn mockery of the good man's supplications to the Supreme Ruler of the Universe--its sophistical nonsense, showing its duplicity to a foreign Power, and concealing its real policy from ourselves—its low, *ad captandum* arguments, addressed to all the prejudices of ignorance and passion, to justify the most shameless attacks upon the currency for the vile purposes of licensed depredators on the public lands—its glaring falsehoods as to the most important facts of trade, currency, banks of deposite, and finance—its electioneering, continually harping upon an institution dead in fact, and thrice wounded since dead—its oft-repeated homily against one good bank, and its unblushing recommendation, in the same breath, of nearly half one hundred bad and irresponsible banks—its disingenuous attempts to reconcile glaring inconsistencies of the President on the deposite and distribution measures—its pitiful apologies for the disgrace of our arms by Oceola—its bold recommendation of an increase of the standing army—its unjust attempt to cast censure, due to the errors and blunders of the administration itself, upon the shoulders of an innocent State officer, and then calling for an appropriation to repair these same errors, which it says are not those of this Government—its false claim of a national policy, founded in humanity towards the Indians—its reiterated jesuitical recommendation of an amendment of the constitution as to the election of President, which was never meant to be carried into effect by "the party," or to be any thing more than a topic with which to prejudice the people's minds against an election by the House—its impudent boast of the intelligence and patriotism of the successor, whom executive patronage and dictation have succeeded in electing—its shallow political economy—its demagoguism—its arts of vile deception and humbuggery—its rankling venom of party spirit—its miserable rhetoric, sinking below criticism--its grovelling moral sentiment--its total want of all sage counsel or advice, and of all pathos and feeling--are all equalled only by its false certificate in chief to "the prosperous condition of all the various executive departments," to "the ability and integrity" with which they have been conducted, and to the fact of the President's belief "that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation!"

Now, sir, complaints have been loudly made from various quarters, in this House and by the press, by reponsible persons, as to the condition of most of the executive departments, and as to the want of ability and integrity with which they have been conducted: and investigations by us of the truth or falsehood, justice or injustice, of these complaints, have heretofore been doggedly and repeatedly refused. "The party" were content with the mere affirmation by the President to the crowd of their innocence and purity, when he knew no more about their guilt than he knew of the facts of a certain event in this Capitol last winter, of which you and I, Mr. Chairman, knew all, and more than we wanted to know; about which, if the Tennessee papers are to be believed, the President has given another certificate, though he was more than a mile off, and there were at least seven fathoms of bricks and mortar and stone between him and the place of the occurrence. They have made him a witness in both cases, where it was impossible for him to be a witness; and in giving his testimony he has been compelled to resort to his "imagination for his facts." I cared nothing about the certificates of the President, so long as they abided in the ephemeral form of heated partisan declarations along the public roads, or so long as they were read from the stump merely, a thousand miles off. But, sir, this "certificate in chief" is no longer a mere tavern *ipse dixit* on the highway, but it is to be filed in the archives of this Government, as a part and parcel of the "last annual message" of the Greatest and Best! Perennis and Cleander have certified to their own good behaviour, innocence, and purity, have incorporated their certificate in the "last annual message," and have affixed to it the official sign manual of Andrew Jackson!

Is this certificate true? I put it to gentlemen if it be not true, whether injustice has not been done to Andrew Jackson, to those who have uttered just complaints, and to the public service, by this audacious forged self-acquittal?

Is it true or false, that the various executive departments have been conducted with ability and integrity, and that they are in a prosperous condition? That is the issue. How is it to be tried? Will gentlemen tell me that the President has tried the issue already, and that they are content with his certificate in form? Sir, I begin this session as I ended the last session, by asking the opportunity and power, and by claiming the right of an investigation by a committee, an efficient, able, and fair committee, with full powers to eviscerate the truth. The truth is all I desire. I make no accusations, no complaints, except of the denial of investigation.

If all have been conducted with ability and integrity, the departments have nothing to fear, and investigation may do great good. If it does not find and expose past fraud and corruption, it may prevent much evil hereafter, by the fear of scrutiny. I do sincerely, from the best of motives, earnestly desire to see the doors of the Treasury Department, of the land offices, of the Indian bureau, and of other departments and offices, thrown open to full and fair investigation. We then can have the facts, of which to judge for ourselves, and on which to make up our own verdict. It is the duty of the grand inquest to find or *ignore* a bill for itself, and of the *venire* to try the issue and find a verdict for itself. No judge, much more no party, shall find a bill, true or false, or render a verdict for them. Cleanse the Augean stables, say I; and I say more. The Numidian king, when he was carried a captive to Rome, and saw the corruptions of her citizens, returned from the city with contempt, and said, "Give me wealth, and I will buy up the whole republic." Fanny Wright, I believe, uttered a truth, that whenever you see two men talking together, there are ten chances to one they are talking on one of three subjects--"trade, politics, or religion." The three subjects have, since she wrote the remark, entirely amalgamated into two. Trade and politics have now become one. Some of the priests, I am told, are offering to join the union, and mammon is the god of this day's worship. Trade, sir, trade swallows up every thing!

Tell me not this is the short session. Investigation was refused last winter, when the session was long. I know, sir, that this is an inauspicious period, perhaps, to expect gentlemen to look back at the past, or to pause a moment on the present. I know that every eye is turned, and every mind of gentlemen is bent towards the future. "Coming events, which cast their shadows before," are much more dazzling to their hopes and fancies than painful truths of the past or the present are to their memories or their wills. They know, sir, that some of the swarm of "conservatives" which are now fat and full of the blood of the Treasury, must be driven off for some of the lank and hungry "locofoco" flies, who are voraciously eager to light upon this poor body politic of ours. All things may not become new, but there must be some changes; and for every change there will be a chance for some impatient expectant. I know that General Jackson has been made to say, in this "last annual message," "He that cometh after me is mightier than I;" but he has not been made to add--"Whose fan is in his hand, and he will thoroughly purge his floor." Sir, lest he may not purge his floor, I wish it to be swept clean for him before he comes in, so that Jackson may not be blamed after he is gone.

Certain it is I cannot anticipate; time must develop the course and the policy of the coming administration. And let no one accuse me of commencing an attack upon it in advance. No, sir; so far from it, though I hold Mr. Van Buren responsible for most mischief that has been done, and most that is now doing; though he has been the caucus candidate for the presidency, and was the nominated successor; though he is elected by executive patronage, corruption, and dictation; though he succeeds at the expense of the elective franchise; though he is a minority President, and has promised to follow generally in the footsteps of this kitchen-cabinet administration: yet, if he bravely dares to falsify that promise, "more honored in the breach than in the observance," if he will kick away the base ladders by which he has climbed to the height of his ambition, if he will now leave Falstaff where he found him, and array around him the wisdom, intelligence, and virtue of the country, and base his administration on a sound, elevated, and enlightened policy, free from corruption, and purely patriotic, uncontaminated by party, I will pledge my humble support to his measures, though I never can support the man, or pardon the past examples he has set. And why cannot I support the man whilst I approve his measures? For the very reason that he has not "entered in at the straight gate." I shall always eschew the example which has been set in 1836, as I did that of 1825, in the election of President of these United States. The one example has been rebuked with a vengeance—the other will not be forgiven by me.

Sir, in this contest, one great battle only has been fought between power and the people. The result is known. The conflict was not decisive, and must, as long as there is an honest heart to hope for freedom—shall go on until constitutional liberty, law, the independence of the people and their representatives, honesty, truth, and justice, are triumphant, or all are fettered in a despot's chains! Defeated, but not conquered; checked by the prætorian bands of patronage, but not arrested in their onward march, the patriot army is not discouraged or dismayed; smitten, but not struck down; the flag of the country is still flying! Defeat may drive some, the craven or the cormorant of spoils, from the standard of the

true and the brave; but to the firm and proud spirits of the patriot band I would say, "Who shall separate us from the love of country?" Shall defeat? Another such defeat will be a glorious victory! In this "we are more than conquerors," for I am persuaded that neither office, nor bribe, nor principalities, nor powers, nor things present, nor things to come, shall be able to separate us from the love of our country, its laws, and its liberties! God only knows in whose name this victory shall be achieved; it matters not; but this I know, be he who he may, his cause will be consecrated by the toils, the prayers, the sacrifices, and the hopes, of the unsubdued and unterrified freeman. No, sir; let no man despair of the republic. The fight is not yet ended. The people are not yet vanquished. Their hosts are withdrawn only for the moment, to recruit their forces and to repair their broken weapons. The weapons of our warfare are the weapons of truth. It shall be my duty to assist in pointing anew its spears and its lances.

The question on the resolution was then taken without further debate, and carried: Ayes 86, noes 78.

So the resolution was adopted.

On motion of Mr. HARPER, the committee rose and reported the resolutions to the House.

And, on motion of Mr. EVERETT, the same were ordered to be printed.

The House then adjourned.

WEDNESDAY, DECEMBER 14.

THE PRESIDENT'S MESSAGE.

On motion of Mr. LOYALL, the House proceeded to the consideration of the resolutions reported yesterday from the Committee of the Whole on the state of the Union, referring the various portions of the President's message to the appropriate committees; which resolutions are as follows, viz:

1. *Resolved*, That so much of the President's message as relates to the political relations of the United States with foreign nations be referred to the Committee on Foreign Affairs.

2. *Resolved*, That so much of the said message as relates to the commerce of the United States with foreign nations and their dependencies be referred to the Committee on Commerce.

3. *Resolved*, That so much of the said message as relates to the finances and every thing connected therewith, the safe keeping of the public money and every thing connected therewith, and the Bank of the United States, including the stock in that institution, be referred to the Committee of Ways and Means.

4. *Resolved*, That so much of the said message as relates to the public lands, and all things connected therewith, be referred to the Committee on the Public Lands.

5. *Resolved*, That so much of said message as relates to the report of the Secretary of War, and the public interests intrusted to the War Department, except so much thereof as relates to Indian affairs, be referred to the Committee on Military Affairs.

6. *Resolved*, That so much of the said message as relates to the militia of the United States be referred to the Committee on the Militia.

7. *Resolved*, That so much of the said message as relates to the Indian tribes, except what relates to the taking the property of individuals for public use, and the relief of sufferers by Indian depredations, or by the operations of our own troops in Florida, Alabama, and Georgia, be referred to the Committee on Indian Affairs.

8. *Resolved*, That so much of the said message as relates to the taking the property of individuals for public use, and the relief of sufferers by Indian depredations, or by the operations of our own troops in Florida, Alabama, and Georgia, be referred to the Committee of Claims.

9. *Resolved*, That so much of the said message as relates to the report of the Secretary of the Navy, and the public interests intrusted to the Navy Department, be referred to the Committee on Naval Affairs.

10. *Resolved*, That so much of the said message as relates to the report of the Postmaster General, the condition and operations of the Post Office Department, and every thing connected therewith, be referred to the Committee on the Post Office and Post Roads.

11. *Resolved*, That so much of the said message as relates to the "survey of the coast, and the manufacture of a standard of weights and measures," be referred to the Committee on Commerce.

12. *Resolved*, That so much of the said message as relates to amending the constitution of the United States, together with all propositions and resolutions submitted at the last and present sessions of Congress, proposing amendments to the constitution, be referred to a select committee, to be composed of nine members.

13. *Resolved*, That so much of the said message as relates "to the want of uniformity in the laws of the District of Columbia," be referred to the Committee for the District of Columbia.

14. *Resolved*, That so much of the President's message as relates to such of the Tennessee volunteers "as presented themselves at the place of rendezvous in Tennessee," and were not mustered into service, but rejected, be referred to the Committee of Claims.

15. *Resolved*, That so much of the President's message as relates to the "condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.

Mr. A. MANN moved that the resolutions be read; and that the question be taken conjointly on all of them, except such as might be excepted to by any member; which motion prevailed.

The resolutions were then read, and the House concurred with the Committee of the Whole on the state of of the Union, except those numbered 3, 12, and 15; which were excepted, on the suggestion of different members.

The third resolution, being one of those thus excepted, was read, as follows:

3. *Resolved*, That so much of the said message as relates to the finances and every thing connected therewith, the safe keeping of the public moneys and every thing connected therewith, and the Bank of the United States, including the stock in that institution, be referred to the Committee of Ways and Means.

Mr. ADAMS moved to amend this resolution by inserting after the words "as relates to the finances and every thing connected therewith," the words "except so much thereof as relates to the protective duties and

every thing connected therewith," and then to add to the end of the resolution the following words: "*Resolved*, That so much of the said message as relates to the protective duties, and every thing connected therewith, be referred to the Committee on Manufactures."

Mr. A. said he did not know that it would be necessary for him to state his reasons for proposing this amendment. He should imagine that they would strike the mind of every member of the House. For several years past, it had been the practice of the House to appoint a Committee on Manufactures, as one of the standing committees of the House, for the purpose of supervising what might be considered one of the great interests of the country. To that committee, heretofore, ever since its appointment, had been referred those parts which referred to that great interest. It was indeed a remarkable circumstance to him, that, in the whole message of the President of the United States, he (Mr. A.) could not discover any direct reference to that interest by name. Upon the perusal which he had given to it, he could not even find the name introduced; and it was probably for that reason that the gentleman from Virginia, [Mr. LOYALL,] in dissecting the message, in its various parts, for reference, had not thought it necessary to introduce a resolution to refer any portion to the Committee on Manufactures. But when the message was considered in its general tenor and purport, and particularly that portion of it which related to the finances, to the deposite bill, to the distribution of the excess of revenue in the Treasury of the United States, and to the revenue altogether, there could not be found one sentence which bore in the most remote manner upon the great interest of manufactures.

It had been the pleasure of the House to appoint a standing committee for the protection of that interest, and it had been the pleasure of the Speaker to appoint him (Mr. A.) the chairman. He held himself bound, therefore, whatever might be his own opinions on the finances, on the revenue, on the deposite bill, or on the distribution of the surplus revenue, he held himself bound to consider, not his individual opinion, but the interest particularly committed to his charge, and to that of the associate members of that committee. He could not but feel surprised, therefore, to see that no more reference had been made to that interest than if no such interest existed. Was that the feeling of this House? Was that the feeling of the people of this nation? If so, one of the first things which he should have supposed that House would have done, would have been to abolish the Committee on Manufactures, from which all its duties would have been abstracted. For, if that interest was not of sufficient importance to the whole nation to receive even a notice in the message of the Chief Magistrate to Congress—to be noticed in the distribution of the message amongst the several standing committees of the House, certainly that interest must have sunk down so far into obscurity and decay as to become no sort of use in appointing a Committee on Manufactures.

In offering this resolution, Mr. A. said it was very far from his wish to assume the duties which, if the resolution was adopted, would be imposed upon the committee. He should be perfectly satisfied that his friend, the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG]—knowing, as he (Mr. A.) had known for years past, the feeling of that gentleman in relation to the manufacturing interest of this country—that he [Mr. C.] should have the whole management of the subject; that the committee to which that gentleman belonged should have imposed upon them the duty of deciding upon what articles that reduction of the revenue, which appeared in all quarters of the House, and in every section of the country, to be considered expedient, should take place. But the subject had nothing to do with the Committee of Ways and Means. The reference to that committee was not necessary as a Committee of Ways and Means, because their very name implied that they were appointed to see what revenue was raised for the expenses of the country, and upon what article it was raised. But they were not appointed to decide on what articles the duty should be taken off, because the very act of taking off duties affected other interests of this country. It is not the revenue of the country which is concerned; we have too much, and we want to give some of it away. Neither ways nor means were wanting; the country had too many ways, and, probably, too many means. But the interest of commerce, the interest of agriculture, the interest of manufactures, are all important interests; and most especially the interest of manufactures, which this House has so often declared should be protected. Now, so long as that interest exists, I ask, is it the feeling of this House that it should be disposed of in silence? Does it not still continue to be an interest which deserves the notice of this House?

Mr. A. said he had one other reason for asking that this interest should be heard, and that the committee charged with its protection should be authorized and directed to take it into consideration and report upon it. He had said he presumed there was no difference of opinion as to the propriety of a reduction of duties levied upon imports at this time; but to what extent that reduction should be carried, and upon what articles it was to bear, was a subject which had nothing at all to do with the Committee of Ways and Means. The subject must be considered with reference to the effect it would have on the other interests of the country, and especially the interest of manufactures. On the first day on which petitions were presented during the present session, he had presented a petition from eleven hundred citizens of Boston, praying for a reduction, not an absolute repeal, but a reduction of duties on foreign coal, a necessary of life; which reduction individually, and as a friend to Boston and the other large cities in the Union, he considered one of the most important, and as deserving to be one of the first of the articles to be considered on the question of reduction.

Individually speaking, he should be happy, not only if the object of that petition should be granted, but he should be perfectly content to refer it to the Committee of Ways and Means, on the simple question whether or not that duty was wanted for revenue. This is all within their jurisdiction. I should have been perfectly satisfied with that, and the determination of the House thereupon. I moved that the petition be referred to the Committee on Manufactures, and for the same reason for which I have now offered this resolution; and that was, because I knew any reduction on the article of coal must be considered with reference to its effects on the manufacturing interests of the country; with reference to its comparative effects upon bread stuffs, and every necessary of life; and, probably, in reference to other things. Accordingly, when a gentleman here, with a zeal which anticipated the message of the President of the United States, offered a resolution for the repeal of duties upon bread stuffs, the question of appropriate reference immediately arose; that gentleman proposed a reference to the Committee of Ways and Means, and another gentleman to the Committee on Agriculture. And, unquestionably, the repeal of duties on bread stuffs was interesting to the agriculture of the country and to the committee who were charged with its protection. So was it interesting to the manufacturers. It was not determined which of the committees the subject should go to, and I proposed to add the articles of coal and salt, also necessaries of life. I proposed also the article of iron, one which affects my own constituents, and affects also the interest of certain States which, I hope, by their

delegation here, will not allow the subject to pass without referring it to the Committees on Commerce and Agriculture of the country, as well as to the Committee of Ways and Means. These were his reasons for offering the resolution. If the House should think that the Committee of Ways and Means was the appropriate committee, far be it from him to complain. Such a course would be an alleviation to his duties on that committee, and he and the members appointed upon it with him might, from that moment, take a general holyday to the termination of the session.

Mr. CAMBRELENG said he did not rise to oppose the motion of the gentleman from Massachusetts, [Mr. Adams,] nor did he propose to enter into any debate. He (Mr. C.) was very happy to hear the gentleman from Massachusetts say that he had examined the President's message on the subject of protective duties, and he (Mr. C.) had no objection to refer any thing relating to the manufactures of the country to the appropriate committee. But the gentleman had made statements which required correction.

Mr. C. was understood to say that, two years ago, a memorial for the repeal of the duties on foreign coal had been sent to the Committee of Ways and Means, where it remained until reported on by the then chairman, the present Speaker of the House, and to instance similar references.

When (Mr. C. said) the Committee on Manufactures was established, and a portion of the duties of the Committee of Ways and Means had been transferred to the former, it was made their duty to examine the various commodities introduced into the country, and to select such articles as should be protected. The duties were not levied in those cases with any view to the revenue of the country. A revenue was collected, not to be put into the Treasury of the United States, but into the pockets of the capitalists engaged in that particular business. The duty of that committee was to see how many prohibitions should be imposed, and on what articles. But now we found ourselves in a different position. Millions upon millions had been collected under the system established in 1816. Now we had a revenue of forty or fifty millions beyond the wants of our Government; and the only question to be decided was, in what way the revenue should be brought to correspond with the wants of the Government. This was a question of finance, and not of manufactures. He believed that the whole discussion would result in the appointment of a select committee. Was it the province of the Committee on Agriculture, or Manufactures, or Commerce, to pass upon every interest in the country? The question would again come up on Monday, on a motion to postpone, and the House might then determine to whom the whole subject should be committed. In the mean time, he hoped that the discussion would terminate for the present.

Mr. ADAMS explained that he confined his proposition to so much of the President's message as related to the protective duties alone; and he asked for the yeas and nays on the adoption of the amendment. And the House ordered them.

Mr. HARDIN requested the Speaker to state the question to the House; which having been done,

Mr. MANN, of New York, said that this question of reference was one which had often been brought up before. He did not exactly know how far back the question had been considered, but he believed that, from the foundation of the Government up to the year 1806 or 1808, the Committee on Finance had had jurisdiction over all questions of raising the revenue; and that independently of all questions which might collaterally affect the interests of manufactures. At one time, for one or two sessions, the House determined that the Committee on Manufactures should have charge of all these questions; but a little experience soon taught the majority of the members of this House, who were not in favor of taxation to the extent of the power which it was supposed by some had been conferred by the constitution for the purpose of protecting the manufacturing interests, that this question and the things connected with it should be properly before the Committee of Ways and Means. Now, if the object of the amendment was to take from the Committee of Ways and Means those questions in relation to the reduction of a revenue already too large, he was opposed to it, because it did not come within the spirit of the rule which points out the duties which the several committees have to perform.

The gentleman from Massachusetts [Mr. Adams] had complained of the President's message because there was no reference to the manufacturing interests. The gentleman might as well complain of the absence of reference too. Probably he might complain that there was no reference to the agriculture of the country, and yet he knew not what the Committee on Agriculture had to do with the duties on coal, inasmuch as coal was not an article of cultivation. He considered the reference to the Committee on Manufactures as inappropriate, and he hoped the House would send the subject, as heretofore, to the Committee of Ways and Means, to which it properly belonged.

Mr. DENNY thought it was difficult to determine precisely whether the Committee on Manufactures or of Ways and Means had jurisdiction, because they had, in some instances, equal jurisdiction, and because the subject referred might have connexion with the interests of both. One had charge of the revenue, the other of manufactures, or the domestic industry of the country. To protect that industry, it became necessary to levy duties. Hence the two committees came on common ground; and in referring the subject to the Committee on Manufactures, the House took nothing from the Committee of Ways and Means. It was still competent for the latter to take up the same subject, and to show how the question affected the revenue of the country, whilst the other committee showed how it affected the industry of the country.

He had no objection to giving the subject to the Committee of Ways and Means; in some respects, it would be proper; but he thought, when a great change, like the present, was proposed in the policy of the country, and which had been urgently recommended by the Chief Magistrate of the nation, the subject should go to the Committee on Manufactures, that they might present it to the House in all its bearings. He thought that the House had a right to complain that the President had neglected to make any reference to the home trade; that trade which employed many more millions than the foreign trade, and which had enriched the nation, and filled the Treasury with forty or fifty millions of surplus money. But it had not even been noticed. There was something behind all this darkness which ought to be brought to light, and he hoped the subject would be referred to the Committee on Manufactures.

Mr. PARKER thought that both the committees named might, with perfect propriety, have charge of the subject at the same time; one as a question of revenue, and the other looking to it as a question bearing on the particular interests on which the proposed reduction may operate. He would vote for such a reference. He wished that all the committees having charge, immediately or remotely, of these great interests, should investigate the subject, and give the result of their deliberations to the House.

Mr. BOON said that it had not been his intention to say one word on the question now before the House, had it not been for the most extraordinary doctrine ad-

vanced by the gentleman from Pennsylvania, [Mr. DENNY.] If the remarks of the gentleman could be confined to his own district, and to his own constituents, he would not reply to them at this time. But (said Mr. B.) the gentleman's speech will find its way, through the columns of the newspapers, into my district, and among my constituents. I should suppose, from the remarks of the gentleman from Pennsylvania, that he (if not a manufacturer himself) represents a manufacturing people; and to this I have no objections to urge. But (continued Mr. B.) my constituents are an agricultural people—they are the consumers of articles manufactured. The farmers and the mechanics are to be made poor for the purpose of enriching the manufacturers.

The gentleman has told us that there is now in the Treasury of the United States a surplus revenue, amounting to upwards of forty millions of dollars, and would have the people of this country to believe that this vast amount of money was derived from the manufacturers. Not so, Mr. Speaker. It is the result of over-taxing the people; it has been received from the customs and from the sales of the public lands. Upwards of twenty-four millions of dollars of the surplus revenue has been received from land sales. I have thought it proper to say thus much, with a view only to correct error, and to let facts go forth to the public.

I confess (said Mr. B.) my utter astonishment at the attack made upon the President by the venerable member from Massachusetts, [Mr. ADAMS.] That gentleman would have it believed that the President has neglected the great interests of the country in not having made particular mention of the manufacturing interest in his late message to Congress. Sir, (said Mr. B.,) I presume that President Jackson's opinions on the subject of the tariff are made known in his previous messages to Congress; and I am sorry to say, that while the gentleman from Massachusetts was President of the United States, I was not able to know any thing of his opinions on that particular subject, as they were never expressed in any of his state papers to Congress. I think, therefore, it comes with a bad grace indeed from that gentleman, to charge upon General Jackson what he himself was deficient in performing while he was President.

Mr. PICKENS said that he approached this subject with some delicacy, and that he did not now rise for the purpose of entering into debate, but merely with a view to make known to the House the course which it was his intention to pursue. He was not willing to touch the subject of the reduction of the revenue or the tariff, unless in concert with those who were supposed to represent the great manufacturing interests of the confederacy; and the reason for this course was obvious. If he understood the act commonly called the "compromise act," he was disposed to regard it as an act passed under circumstances which ought peculiarly to imply good faith in all the different interests of the country. With this view, and as that act was still in operation, he was not disposed to touch the principles involved in it, except in concert and harmony with the representatives of the manufacturing interests. If it were not for the operation of that law, which, to a certain extent, implied good faith in all parties, he should state that the remarks of the member from New York [Mr. MANN] were correct; but, so long as that act was in operation, he (Mr. P.) was not inclined to interfere with the protective interests.

He should say that the gentleman's views were correct, except so far as regarded the act of 1816. That was a reduction of a war tax, with a view to the payment of the national debt, first; and, in settling that act, it must be regarded as a measure having in view the payment of the public debt, and not passed with any view to protection. It was essentially a measure for revenue; and, in settling the system under which it was made, due regard was had to the circumstances under which it sprang up. It was a tax bill for revenue to pay the public debt. But he had risen to say, merely, that he was disposed to move in connexion with the manufacturing interests. He was glad to hear the gentleman from Massachusetts [Mr. ADAMS] express his belief that it was the opinion of all parties that some reduction could be made in the existing duties. So far as reduction on articles not in competition with domestic manufactures was concerned, he (Mr. P.) thought no difficulty would be raised. In fact, he believed that the bill which had been reported from the Senate during the last session of Congress embraced the true measure to be adopted now. He went upon the principle that the duties on those articles which did not come in competition with domestic manufactures ought to be repealed. But it seemed to him that they could not, with good faith, touch the great principles of the compromise. I wish, however, (said Mr. P.,) to give the gentlemen representing the manufacturing interests an opportunity to be heard; and if the gentleman from Massachusetts [Mr. ADAMS] thinks that the question of the reduction of the duty on foreign coal, for example, involves those interests, I am willing to give him charge of the subject.

But it appears to me, though I speak only theoretically, and not from practical experience on the subject, that that article is one the reduction of the duty on which cannot encroach on the manufacturing interests. But the question of the reduction of the duty on the importation of bread stuffs, it would appear to me, is of great importance to the manufacturing interests, and should be considered as a separate question. Mr. P. repeated that, though himself representing the great Southern interest, he wished to move, in respect to the tariff, with due regard to every other interest concerned in it.

Mr. BOULDIN followed, at some length, in explanation of his views of this subject. He, too, like the gentleman from South Carolina, would say, let the national faith be preserved, whatever be the consequences. If, by the compromise bill, as it was termed, or by any other act, Congress had bound itself to tax the people of the United States, whether the money was needed or not for the necessary expenses of the Government, however onerous it might be, he would still stand by the pledged faith of the Government. But he would not make the question of reducing taxation a question of faith until he was obliged to do so. Desirous as he was to have the revenue brought down to the amount necessary to an economical system of government, (if such a thing was possible,) he would first resort to all measures which could be adopted towards this end without touching the compromise. There being in this said compromise bill a clause providing, if he remembered right, that all duties under the rate of 20 per cent. might be taken off at any time, without touching the compromise, he would repeal all those duties, if the state of the revenue would justify it. Next, there was the revenue from the sales of the public lands. Those sales (Mr. B. said) might be stopped, and the amount of that branch of revenue, at least, be reduced, without touching the compromise. Would gentlemen say that those sales could not be stopped? Let the people, who actually want the lands, settle them—they will do it (said he) whether you wish it or not—and do you then grant them the right of pre-emption. This was a privilege (Mr. B. said) which he had always voted to allow, whenever the question was presented to him. The land which is thus settled is rescued by these actual settlers from the savage and the wild beast, and to him who thus possesses himself we rightfully give the pre-emption. By stopping the sales of the public lands (Mr. B.

argued) you do not, as some gentlemen say, stop the settlement of the country. You stop the receipts of money for the sales; and, in doing so, perhaps prevent the loss which some persons seem to apprehend from its being deposited in banks which they fear to be insolvent, &c. The land could not run away, though the money might.

Mr. B. was willing, therefore, to stop the sales of land, and take off all taxes under twenty per cent.; and, if these reductions did not bring down the revenue to the wants of the Government, he was willing then to inquire, and faithfully and candidly inquire, whether the Government is so bound by national faith as to be obliged to continue to tax the people to pay the money which the Government does not want. Without concurring in all that others may have said on this subject, Mr. B. said he believed that such amounts of money as the present surplus revenue cannot be safely intrusted any where, either in regard to our own security or the honesty or purity of those into whose hands it may fall. Referring to discussions in the public journals on this subject, Mr. B. cited the language of a gentleman of the highest order of intellect in the country he came from, who had deeply deprecated the effect of the distribution bill on the States; and (said Mr. B.) he could not have a greater horror than I have of making the State of which I am a Representative dependent upon or looking up to the Government, as a creditor, for any sum of money—money advanced to the State, perhaps, when cotton is at twenty cents the pound, to be demanded back from it when cotton is at eight cents. To this feature of the distribution bill he was strongly adverse. If the money is our money, (said he,) why take our bond for it? If it be not ours, why offer it to us before we ask for it? At all times, and under all circumstances, from the foundation of the Government, a certain class of politicians had been feeling about for the means of seducing the States from their sovereignty and independence, to a state of dependency on the General Government. Who does not know that this is the case? Look back to the conflicts of your eloquent and sagacious men of former days—your Henrys and your Hamiltons—and trace the doctrines and acts of their followers, from that day to this, and you will find evidence enough of this.

We shall, (said Mr. B.,) if we go on in this way, be totally destroyed by our own money; for (he observed) not only will the proudest States on such a system talk in vain of their sovereignty, but the Federal Government also, placed in a position equally corrupting and dangerous, will partake of such corrupting influences, and the ruin and corruption will be general. Therefore, (said Mr. B.,) though I am an administration man, I am willing and desirous to inquire after any means by which a reduction of the revenue may be effected without a violation of the public faith.

If you rob me to-day of one hundred dollars, and to-morrow will give me back seventy-five dollars, I will take the seventy-five cheerfully enough; but if you go on doing so, first taking away my money, and then giving me back a part, I shall soon be ruined. Yes, said Mr. B., let me be as rich as the Treasury of the United States, it would ruin me shortly; and in the same way, if we rob the country of twenty millions, to return back afterwards fifteen millions, the country will soon be ruined. Shall we (said Mr. B.) go on gathering millions of taxes, when we do not want the money? Shall we take a man's horse and sell it for half its value for taxes, the proceeds of which are not wanted? Hence, (observed Mr. B.,) I should have been opposed to the distribution bill, except in connexion with such reduction of the revenue as would leave no more of it to distribute, &c.

Mr. HARDIN, after adverting to the wide range of debate which had been taken on this mere question of reference, observed that he was under no apprehension that the distribution of the surplus was to corrupt the people of the States. He did not consider it so easy a matter, nor did he conceive it necessary to reduce the tariff, in order to reduce the revenue. He contended that it was not the tariff which had given rise to a surplus, nor brought unnecessary money into the Treasury, for we know that the existing duties have not yielded more than upon a fair estimate they ought to have done. The cause of the superabundance of revenue was to be found in the inordinate thirst of speculation in Western lands. This (he said) was no permanent or durable source of revenue; its origin dated only one or two years back, and it could not be expected to last for many years to come. From the end of the war, say from the year 1815 up to the year 1834, on an average, the sales of public lands had not brought into the public Treasury more than two millions annually; since then, extravagant speculations throughout the whole United States had brought this extraordinary surplus into the Treasury. No one (said Mr. H.) can tell how long the goose will continue to lay golden eggs; but (said he) I am of opinion that in three or four years not an egg will be laid. All the lands in Mississippi, Alabama, and Louisiana, will be exhausted within that time; as also in Ohio, Indiana, and Illinois; they will soon all be gone. We cannot, therefore, calculate upon this as a long, lasting, and permanent source of revenue; it is both uncertain and short-lived. It is so uncertain that we ought not to touch the tariff, upon any calculation or reliance upon the public lands for revenue.

There are (proceeded Mr. H.) a great variety of conflicting interests concerned in the tariff, all of which demand attention, and which must be reconciled with each other; while, at the same time, no one of them ought to be sacrificed to another. We inhabit a country of vast extent, containing an almost infinite variety of climate and of productions; and that variety of interests, which grows out of these circumstances, being once nicely balanced in a well-regulated, or, as it has been frequently termed, a judicious tariff, ought not suddenly, and at every impulse, to be thrown into confliction and disorder. Such a balance ought not to be touched except by a gentle hand, and that the hand of a master, not of an apprentice. If (said Mr. H.) we proceed every year to touch this subject, because this year there happens to be a surplus of twenty millions, the result of great speculations in public lands, and because, another year, some other extraordinary circumstance occurs, the interests of the country will be jeoparded. I would not (said Mr. H.) raise one dollar from the people, on the principle of taxing them more than is absolutely necessary; but, at the same time, it is my desire to lay on every duty with a just, fair, and discriminating hand, so as to afford due protection to all the important interests of the country. I confess I was greatly astonished the other day when I heard a gentleman from the North, whose opinion it is that their woollen and cotton manufactures ought to be protected, bring forward a proposition to take off the duty from grain. Now, we in the West raise very little else but grain, and yet it is desired to deprive us of protection, and remove the duty from grain; but though the grain crops have failed this year in the East, they have not on the other side of the mountains. Again: Maryland has made great efforts and expenditures to open the way to a market for her coal; and now that they have almost arrived at Cumberland, where the supply will be abundant, we hear other gentlemen from other sections of the country propose to take off the duty from coal! So with salt, in the manufacture of which a capital of ten millions of dollars is invested west of the mountains; and now there are gentlemen who

propose to take off the duty from salt! Others there are who would have molasses free, and sugar too, that we may make rum cheaper; whereas millions upon millions of capital in Louisiana are invested in the growth and manufacture of these staples. I am of the opinion (said Mr. H.) that if we proceed to touch these things we shall have a little bit of a war in this House.

The gentleman who last spoke [Mr. BOULDIN] had said that he did not know what to do with the surplus in the Treasury; and he had also said a great deal about its corrupting effects, if distributed among the States. But (said Mr. H.) I put it to him, let him answer, whether the danger is greater if this surplus be equitably distributed among the States? Or, on the other hand, whether it be retained in banks subservient to the President; pet banks, ready to apply it for purposes of executive pleasure, and subject to executive will? Let him answer that! I, for my part, (continued Mr. H.,) do not see any danger to be apprehended from corruption in the distribution of the surplus. What danger, for example, will his State, the "Old Dominion," suffer from two millions loaned to it for the great objects of education and internal improvement? Why, says the gentleman, with this aid for such great purposes, the States will succumb to the General Government!! But, let me ask, who is it that makes the General Government? Is it not the people of the States? Is it not the States themselves? They also control the General Government as effectually as the potter moulds the clay to his purpose. There is nothing in this argument of his.

Mr. H. concluded by observing that he was in favor of the reference to the Committee of Ways and Means, not from partiality to that particular committee, but because (he said) we in the Western country have every thing to fear from any disturbance of the balance now established. Thirteen years ago (observed Mr. H.) our expenditure was thirteen millions, whereas now it is thirty! Let us but continue to progress at this rate of expenditure, and in a very short time we shall have a deficiency in the revenue instead of a surplus. It will soon, therefore, be quite unnecessary to discuss the question of a surplus. In the mean time, however, since a surplus momentarily exists, it is better and safer when lodged with the States than when deposited in banks subservient to the will of the Executive. These banks it is which will ruin the Government, if any thing; not the distribution; and yet they want to repeal the distribution bill; at least such is the talk out of doors. This money is not safe in these banks; it will not be forthcoming when called for; they will have to call in money from their debtors in order to pay, which they will not be able to do. It was by the distribution bill alone, against which now we hear so much, that the safety of this money can be secured; and (Mr. H. said) that measure should not be arrested or disturbed with his consent.

Mr. VANDERPOEL said, that though the debate had taken a wide range, he was not disappointed; for, at this crisis, every gentleman must know that no proposition could be introduced here, remotely bearing upon the question of protection, without provoking a most earnest debate. He would not now commit himself to any interest—he would reserve to himself the right of acting independently upon all propositions that might hereafter come before us touching that portion of our tariff that involved protecting duties; he would not even ask the representatives of any particular interest to "harmonize" with him before he acted. He would reserve to himself this right, this independence of action, though he had the honor to represent a district to a very great extent manufacturing. It was a district agricultural and manufacturing. He would here take occasion to say that his first object was to terminate a state of things by which millions and millions were annually taken from the pockets of the people, that were not required for the purposes of the Government; and if that great and desirable end could be obtained consistently with that protection which our manufacturers now enjoy, he would rejoice, yes, he would most heartily rejoice, for he felt for the great manufacturing interests of the country that solicitude which the representative of a district like his should feel. But if the alternative should be presented, "reduce the duties at once below the rates contained in the compromise bill, or accumulate in your Treasury millions and millions for years hereafter, for the demoralizing purpose of distribution;" if such an alternative should be presented, he would meet it boldly and independently; because then the question would rise above any particular interest; it would be a question touching the interest of the whole country, not only for the present time, but for years to come. But he sincerely hoped, and still believed, that that trying alternative could still be guarded against; that we could select articles enough for reduction, that did not require protection, to bring down the revenue to the wants of the Government.

He would now say a word about the question immediately and legitimately under discussion. To what committee did the subjects embraced in the amendment of the honorable gentleman from Massachusetts properly belong? If to the Committee on Manufactures, then must the Committee of Ways and Means be an unimportant committee indeed; and this, too, instead of being what we have always supposed them to be—the most important committee of the House. Then would they only have to report to us what ways and means are necessary to keep the wheels of Government in motion, and ask the Committee on Manufactures to be so kind and condescending as to tell them out of what articles these "ways and means" must be raised. This would not only be depriving the Committee of Ways and Means of their appropriate functions, but would be against all precedent. What but the Committee of Ways and Means took cognizance of these subjects, when the "compromise" bill passed? He (Mr. V.) was not then a member of this House, but he was an attentive reader of its proceedings; and he well recollected that an honorable gentleman from the city of New York (Mr. Verplanck) was then chairman of the Ways and Means, and reported the bill upon which the compromise from the Senate was ingrafted. If it properly belonged to the Ways and Means then, why should it belong to the Committee on Manufactures now? No good reason had been urged for the change, and he should therefore vote against the amendment of the gentleman from Massachusetts; and Mr. V. concluded by expressing his regret that his colleague [Mr. CAMBRELENG] had shown a willingness to surrender any portion of his legitimate jurisdiction over the whole subject of the revenue.

Mr. BRIGGS, agreeing with gentlemen who had preceded him, that too wide a range had been taken in debate, said that he should not follow their example. The question before the House was one of simple reference; but it was one under the surface of which many important questions lay concealed. That part of the message which relates to the finances was proposed by the original resolution to be referred to the Committee on Finance. That was a right and proper reference, and in the spirit of the rules of the House. But there was one subject named in the President's message, which his colleague (for which Mr. B. said he was entitled to his thanks) had proposed to give a direction to such as it was altogether proper that it should take; and the gentleman from New York at the head of the Committee of Ways and Means [Mr. CAMBRELENG] had, with candor and propriety, said he would not oppose what appeared to him right and proper, though the gentleman's colleague [Mr. VANDERPOEL] had called him to

account for it. Sir, (said Mr. B.,) if the House shall reject this proposition of my colleague, they will in effect declare that there are no duties for the Committee on Manufactures to perform; and their decision ought to be followed up by striking out that committee from the list of standing committees of the House. With this plain proposition before us, I call upon gentlemen from States representing that great interest in this House to vote on this question understandingly and deliberately; and if they are of opinion that the subject of protective duties does not belong to the Committee on Manufactures, but to the Committee on Finance; if the time has come when the only question on this subject is a question of finance, let it be so settled, and let the people understand accordingly. Gentlemen, in his opinion, (Mr. B. said,) present a false issue in this debate, when they ask, shall a question of finance be referred to the Committee on Manufactures? Whilst the true question is, whether a question of manufactures shall go to the Committee on Finance? There is in the President's message something—no matter how much or how little—there is still something in it which relates to protective duties; and that something, whatever it is, rightfully belongs to the jurisdiction of the Committee on Manufactures.

But, said Mr. B., the gentleman from New York raises a note of triumph because the President, in his last annual message, has omitted to bring to the attention of Congress our manufacturing interests. He congratulates the country upon the return to the principles of 1800. The gentleman most probably alluded to a later period in the history of the Government; but as he is a very young man, such a mistake is quite excusable. I presume, in his opinion, it was the administration of Mr. Jefferson which constituted the golden days of the republic. But if the gentleman looks to the executive messages of that illustrious President to sustain what he considers the doctrine of the last message in relation to the protective system, he will find himself sadly disappointed.

In his official communications, Mr. Jefferson expressed the deepest interest in the success of "internal manufactures." He commends them to the care of the National Legislature, and expresses the opinion that, "under the auspices of cheaper materials and subsistence, the freedom of labor from taxation, and of protecting duties and prohibitions, they will become permanent." These were the principles which directed the Government at the time to which the gentleman adverted. I regret extremely that they did not find more favor in the councils which produced the last message of the present Chief Magistrate.

For the interest of the country, I regret most deeply that the President should not have deemed the great manufacturing interests of the country worthy to be brought to the notice of the Legislature in his last annual message. It is a departure from the policy and principles which prevailed in those golden days of the republic of which the gentleman spoke, which the country may have cause to deplore. I wish it had been, what the gentleman erroneously supposed it was, on this subject, a return to the principles which then prevailed.

Mr. ADAMS made a few further observations in support of this proposition, to which, representing, as he did, a part of the country deeply interested in manufactures, he had thought it his duty to call the attention of the House. The chairman of the Committee of Ways and Means knew too well what had been the practice of the House in reference to this subject, to take the ground which his colleague [Mr. VANDERPOEL] had taken; he knew that the practice of the House had been to refer the subject of the tariff as well to the Committee on Manufactures as to the Committee of Ways and Means; which his colleague, who had not that gentleman's experience, it appeared, did not know. Mr. A. referred to the journals of the House for various precedents in support of his view of the practice of the House. At the 1st session of the 22d Congress, for example, upon the dissection of the President's message, a resolution was adopted that so much of it as related to finances, the public debt, the state of the revenue, &c., be referred to the Committee of Ways and Means. But there was adopted also another resolution, that so much of said message as relates to manufactures and a modification of the tariff be referred to the Committee on Manufactures. At that session, both these committees reported on the subject, &c. Mr. A. cited several other similar cases from the journals. In the course of his observations, Mr. A. alluded to what has been called the compromise bill, as a bill not matured in this House, but agreed upon between individuals in the other wing of the Capitol, without consulting the interests of the manufacturers, and sent here to be proposed as an amendment to the bill reported by the Committee of Ways and Means, and then passed as the bill of this House. He did not know that any member from Massachusetts, in this House or in the other House, had any agency in this movement. For his part, he said, he washed his hands of it altogether. Mr. A. concluded by saying that, if it be the pleasure of the House to exclude the Committee on Manufactures from all consideration of the interest of manufactures, he must of course submit to it. But, by the motion which he had made, he had at least taken care that he should not be chargeable with neglect of the duty with which he had been charged under a rule of the House.

Mr. TOUCEY wished, if practicable, or in order, for a division of the question. He said he was willing to refer the subject to both committees, in its twofold character; first, to call upon the Committee of Ways and Means to report their views upon it, as it related to the revenue; and, next, to refer it to the Committee on Manufactures, for their views as to its effect upon the subject of protecting duties. The amendment of Mr. ADAMS, he conceived, would take away from the committee even so much jurisdiction over the subject as every one admitted properly to belong to it.

Mr. EVERETT suggested a modification of the motion, by merely striking out the words of the original resolution, "and every thing connected therewith;" which, he thought, would, without the exception proposed by Mr. ADAMS, meet at the same time his views and those of the gentleman from Connecticut.

Mr. ADAMS would have been willing to allow the resolution to be adopted as it was originally reported, if it had not been so exclusive in its character. He was willing now to take the resolution as it stood, with the understanding that the House would pass the additional resolution which he had moved as part of his amendment. Mr. A. modified his motion accordingly.

The question was then taken on Mr. A's modified motion, to add the following:

"*And resolved*, That so much of the said message as relates to the protective duties, and every thing connected therewith, be referred to the Committee on Manufactures."

Mr. GILLET moved to amend Mr. ADAMS's resolution by inserting after "duties" the words "on manfactured articles." Rejected; and Mr. ADAMS's proposition was then adopted, and the third resolution was agreed to as thus amended.

The House then proceeded to the consideration of the 12th of the said resolutions; which is as follows:

12. *Resolved*, That so much of the said message as relates to amending the constitution of the United States, together with all propositions and resolutions submitted at the last and present sessions of Congress, proposing amendments to the constitution, be referred to a select committee, to be composed of nine members.

A motion was made by Mr. GALBRAITH to insert in said resolution, after the word "resolutions," in the third line, "which have been or may be;" and to add at the end of said resolution, "and that said committee be required to make report on or before the 1st day of January next."

These propositions were rejected, and the 12th resolution agreed to by the House.

The 15th resolution was then read, as follows:

15. *Resolved*, That so much of the President's message as relates to the "condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.

Mr. PEARCE, of Rhode Island, said, as this subject was likely to give rise to debate, he would move an adjournment; but gave way to the CHAIR, to present an executive communication.

Mr. TALIAFERRO asked leave to submit a resolution providing for going into the election of a chaplain on the part of the House, at 2 o'clock on Friday, the 16th, but it was objected to.

The motion of Mr. PEARCE to adjourn recurring—

Mr. PEYTON wished to inquire of the gentleman if his motion to adjourn was predicated on his own intention to address the House on the subject of the resolution; because, if such was the case, Mr. P. would not oppose it.

Mr. PEARCE replied that he would claim no privilege on that account; and whether he should speak upon the question or not, he was not then prepared to say.

The House then adjourned.

THURSDAY, DECEMBER 15.

THE PRESIDENT'S MESSAGE.

The House resumed the consideration of the fifteenth of the resolutions reported by the Committee of the Whole House on the 13th instant, on the President's message, which resolution is in the terms following:

Resolved, That so much of the President's message as relates to the "condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.

Mr. PEARCE, of Rhode Island, went at some length into an argument in opposition to the resolution. The resolution, he said, was predicated on a clause in the President's message which was not usual, and perhaps it was gratuitous on the part of the President. The question was, whether it was necessary, because the President, in his last annual message, with an overflow of feeling towards the heads of the executive departments--as he believed him to have the kindest feelings toward all men living--had thought proper to compliment them, it was necessary to have an investigating committee to ascertain whether he spoke the truth. Although it was not the usual course, still the President had a precedent. Many years ago, Mr. Monroe stepped out of the usual course to compliment the then head of the War Department, [Mr. CALHOUN.] But because he did this, no committee was raised to ascertain whether or not the compliment was deserved. He was opposed to the resolution, because the direct object of it was to ascertain whether the President spoke the truth or not. He then went on to show that all the subjects contemplated to be investigated by this proposed select committee were provided for by the House in the appointment of the standing committees. Among these committees was that of Ways and Means; and it was the duty of that committee to take into consideration and report upon all "such reports of the Treasury Department, and all such propositions relative to the revenue, as might be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditures, and to report from time to time their opinion thereon; to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers." That committee was required to do all that any select committee, however raised, could do. Besides this, there were other committees, whose duty it was to examine into the condition of the departments, and the expenditures thereof. Every gentleman must recollect that, at the last session of Congress, a gentleman from North Carolina, [Mr. SHEPPERD,] chairman of one of these committees, investigated the affairs of some of these departments, made a report, and the report was acted on by the House; and could not that heretofore done be again done? He submitted to the House, then, to say whether this resolution was not gratuitous, uncalled for, and had nothing to justify it, except the paragraph alluded to in the President's message. Another objection he had to it was, that gentlemen said it was not intended to be raised, out of any hostile feeling to the President of the United States. Well, what were the Secretary of State, Treasury, War, Navy, &c.? They were the mere mouth-pieces of the President; men selected to do what he could not do himself. Mr. P. read the law relating to the Department of State, showing his duties, and showing that the head of that Department was created to do for the President, under the law, that which the President could not do in person. How, then, could gentlemen say that the President

was not implicated, when the acts of his ministers were nothing more nor less than his acts? Let gentlemen take the bull by the horns. If they had any allegations to make against the President, let them do so in form. While passing on the acts of his principal public officers, they necessarily passed on the acts of the President himself. He then proceeded to show that the laws of the land threw around individuals certain guards; they were not to be arraigned without notice, &c. But how were the heads of these departments to be heard and tried under the resolution? They were to have no hearing and no trial, and were to be disfranchised and divested of their rights, upon the mere rumors of newspapers and gossip of old women. There never was a committee raised upon mere suggestion and gossip, without something like a charge or an allegation. Then let the gentleman from Virginia, [Mr. WISE,] or any other gentleman, make out a charge against the President, and he might have as large a committee, and have it clothed with what powers he pleased; but until this course should be adopted, he was, and should be, opposed to the adoption of the resolution. Who could tell what powers this committee might assume? It might require the departments to submit to it all matters connected with removal, or it might assume any other authority it pleased. The resolution claimed a greater scope for the committee than was ever granted to a committee of that House, or any other legislative tribunal. When were its powers to cease? Who could tell this? From the form of the resolution, never; because they were to take cognizance of all matters, from all quarters of the Union; from every town, village, city, and hamlet; all causes of complaint, from responsible and irresponsible sources; of all the ten thousand charges which an old lady, who had charge of a paper in this city, had made, and the ten thousand more which she probably would make.

But, sir, said Mr. P., this was to be somewhat an *ex parte* proceeding. Suppose the heads of some of these departments shall have done some commendable acts. The committee will not be bound nor required to look into it. No, sir, their object will be to arraign them and bring them to trial, and inflict punishment upon them. Perhaps the committee might wish to inquire into the causes which take some of the heads of departments home to their native States, to ascertain whether they want to operate on the politics of such States. Well, sir, the Secretary of State went home during the last summer; and, if his object was to operate on the politics of Georgia, he met with but poor success. The Secretary of the Navy also went home; but his going, if he did go for political effect, only added to the strength of the party opposed to him. If the results in those States were the consequence of their visits, it would have been much better they had not gone. But suppose, as the President has said, that all of the heads of these departments shall have faithfully done their duty, we shall have no report from this committee on the subject. It was to be a fault-finding committee; their object was to condemn, and not to compliment the President or his ministers. If there was want of fidelity in the departments, you would have no report from this committee. Although the Secretary of the Treasury may have his Department in such a condition that any thing which is brought against it, either from ghost or goblin damned, could not effect it; although the Postmaster General may have produced order out of chaos, and although the Secretary of War may have discharged with the greatest ability two offices, not a word will be said in their favor by this committee: their object, *ex vi termini*, will be to undo what the President has done; or, failing in that, they will do nothing. Committees of that House were raised for special causes, for causes shown. What were the causes shown why this committee should be raised? What were the specifications? Then, unless they were to innovate on the rules of the House, they could not adopt this resolution in its present form. Let a resolution be introduced in due form, and he imagined no friend of the Executive on that floor would shrink from an investigation. Let the charges be made against the Executive and his ministers, jointly and severally, and he thought he could safely say none would shrink from the investigation. It was not his business to go into Roman history, from the age of Augustus to that of Tiberius, for the purpose of finding out examples of men who had waded through blood to power; and if he did so, it was only for instruction, and to make him the more happy that he lived in a country where none of those scenes were enacted.

Many men, Mr. P. said, changed their minds and opinions of men, and got to disapprove the course of those they used to admire.

[Mr. WISE said, if the gentleman alluded to him, he must inform him that he never was in the situation of the gentleman from Rhode Island in his life.]

Mr. PEARCE proceeded. The character of a nation depended very much on the character of the individuals at the head of the Government. No nation was rendered more valuable by their resources than by the character and reputation of the individual who presided over it. Why did Virginia hold herself so high? It might be somewhat on account of her soil, climate, and resources, but more because of her Washington, her Henrys, her Jeffersons, and her Madisons. Their characters not only gave character to Virginia, but to all the States. Why was he (Mr. P.) proud of the little State he had the honor, in part, to represent? He, to be sure, might be proud of her great resources; but more proud, because it was the land of Greene and Perry. Seven cities contended for the honor of giving birth to Homer; and tyrannical as Napoleon might have been, his name was revered by most of the French nation. What would England, the fast-anchored isle of the ocean, have been, if it was not for her poets, her philosophers, and her statesmen?

Mr. P. concluded by repeating that he could not vote for the resolution in its present form; and at the same time said he would not shrink from the responsibility of an investigation, if a proper committee was raised. He submitted to the House the following amendment: Strike out all after the word "*Resolved*," and insert the following:

"That so much of the President's message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments or their bureaus, or the vigilance and fidelity with which their duties have been discharged; and that said committee have power to send for persons and papers."

Mr. PEYTON rose and addressed the Chair as follows:

Mr. Speaker: I was, at first, somewhat surprised that the gentleman from Rhode Island [Mr. PEARCE] should be found in opposition to this investigation. That gentleman was once the zealous advocate of rigid scrutiny into all abuses committed by public functionaries. In an elaborate speech, upon this floor, he once sustained an investigation similar to the one now proposed by my friend from Virginia, [Mr. WISE.] I allude to the

case of the Wiscasset collector. But, sir, the gentleman announces the fact that he has changed. He was then opposed to General Jackson—violently and bitterly opposed to him—and he manifested that opposition in every conceivable way, and upon every subject that arose. But having now become a Jackson man, he has undergone, it seems, a complete political transformation. And what a change! his old principles discarded, his mental vision in total and disastrous eclipse, he has closed his eyes upon fraud, and peculation, and plunder!

But, sir, has it come to this, that the gentleman from Rhode Island is put forward as the champion of Andrew Jackson? Has that distinguished citizen already sunk so low that his fame and reputation are committed to the keeping of such hands? Oh, spectacle, mortifying and humiliating, to the honest friends and original supporters of Andrew Jackson! those who fought with him, and voted for him! who advocated his first election upon principle, and who, unlike the gentleman, yet stand up the dauntless advocates of the same principles! What must they think, how must they feel, when they are informed that the President's reputation as a statesman has fallen into the custody of that gentleman, who, formerly a violent, loathed, and detested assailant, has thrown himself into the current of the President's popularity, strong enough to bear even him along, and is now become his pretended fulsome eulogist and defender?

But, sir, to the gentleman's objections, or rather his pretended objections, to the proposed inquiry. He has given a striking specimen of the cunning and tact of the sect to which he belongs, by the issue which he has made up—a false, hypocritical issue. What is it? Why, forsooth, that it involves the President's veracity! that it will be, does the President speak the truth when he says that all the officers are "honest" as well as capable! and that he, good tender-hearted man, cannot endure to hear any thing which infringes, in the slightest degree, upon the veracity of that high functionary. Under this false and fraudulent issue the gentleman takes shelter, and expects to escape all inquiry, all investigation. Is argument required to expose a position so monstrous? Will not every high-minded man in the nation look upon it with scorn and indignation? Sir, I deny and denounce this as that false issue which has so long been the shield of the party, and behind which they always skulk at the slightest approach of danger. The President says that they are honest, and the gentleman says you are not to prove them to be rogues, because that would be to make out the President a liar. What a position!

Did the President write the paragraph in his message, laudatory of these officers, which the gentleman himself admits is unusual in such a document, and which, I am sure, has no precedent or parallel? No, sir, not one word of it; and he does not know, at this moment, that it is there. What is it, sir, which these gentlemen, so able and so honest, have introduced into the message, and now claim that it is evidence of so high and sacred a nature that it cannot be examined or impeached? Here it is:

"Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation."

Did Andrew Jackson write this sweeping certificate of moral character for these gentlemen? No, sir, no. I plead *non est factum*. It is not his deed. They have fraudulently smuggled it it into his message, to evade scrutiny into their conduct. Instead of stifling inquiry, it is of itself a cause of suspicion. I say, sir, that the President did not write it; in support of which averment I have evidence satisfactory, at least to my own mind, and such as should be made known to this House, to the country at large, and to posterity. It should thus be made known, in order to shield the name and fame of the President from that imputation which, in all time to come, would attach to them, in consequence of this flagrant abuse of the confidence reposed by him in others. The committee on the part of the Senate, which, according to usage, was appointed to wait upon the President at the commencement of the session, and inform him of the readiness of Congress to receive the very message in question, found him extended on a sick couch, scarcely able to raise his hand. On the eve of their departure, he urged the Senator from Tennessee [Mr. GRUNDY] to come back soon, and talk with him; that he was lonesome, wanted company, and wished to have his friends about him. The Senator (alas, that it should be necessary for him to invoke the attendance of friends, and of such friends!) did return, and remained with the President more than an hour, during which time he never alluded to the subject of politics. He spoke of dying, of the Hermitage, of his hope that he might be spared till he could reach it in the spring. His thoughts were with his heart, "and that was far away," dwelling upon other and doubtless holier meditations than writing eulogies upon public functionaries, whose conduct he was in no situation to examine, and who, if they were honest, needed not his testimony to the fact.

But the gentleman from Rhode Island has another objection to the mode of proceeding proposed by my friend from Virginia. He says that it is unnecessary, because, by the standing rules of the House, the investigation into all such matters is enjoined, as a duty, upon the Committee of Ways and Means. The rule alluded to by the gentleman reads as follows: "It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House, &c.; to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and to the accountability of their officers." And yet the gentleman, in a subsequent part of his argument, contended that the exercise, by the House, of such a power as is hereby enjoined upon one of its standing committees, would be a disfranchisement of the heads of departments! An *ex parte* trial and conviction, according to the rules of the common law! The rule referred to by the gentleman shows the sense entertained by the House in relation to the necessity of such investigations as the one proposed into the state and condition of the several departments, with a view to the rigid accountability of public officers, and the legal disbursement of the public moneys.

But, sir, is the Committee of Ways and Means the appropriate committee to make such examinations? Look at the past. How long have complaints of malversation in office been ringing in the ears of gentlemen? Look at the formation of that committee. Its chairman [Mr. CAMBRELENG] labors under a political, if not a legal, disability to institute and conduct them with efficiency. Dare he move in such a cause? No, sir; he would seal his fate forever. But if that committee were forced by the House into the investigation, with what hope of success could we rely upon it? The head of each department would hand over to the chairman of that com-

mittee such a statement as he might choose to send here.

Why, sir, it would be like the trial of Reuben M. Whitney. Reuben has been tried, and, as you will be glad to hear, acquitted, since the last session. But how tried? Not by a committee of this House? No, sir; he was tried on the other side of the Alleghanies, while the witnesses and the prosecutor were a thousand miles off. He was tried at Jonesborough, Tennessee, before the President of the United States; the prosecutor not my friend from Virginia, [Mr. Wise,] but one John Kennedy, who prosecuted Reuben so handsomely, that he has since been rewarded by an appointment. Reuben was arraigned before the President in a large crowd, the charges against him so drawn up that they could all be answered in his favor without touching the true issues which involve his guilt or innocence. They, in effect, asked the President—is Reuben a saint, or is he a sinner? "He is a persecuted patriot, sir; persecuted on account of his opposition to the United States Bank." "There!" said they, "do you hear that?" and the shout, hurra for Reuben, was loud and long. But, sir, the gentleman chose to wander from the subject before the House, and carry this political war into Tennessee. This is contrary to the policy of his State during the late war with Great Britain. She then had a higher regard for State lines and State sovereignty; her patriotism was only commensurate with her small limits.

He represents the President as going to the Hermitage on private business, and seems to justify all which his party attempted to achieve by the President's visit to Tennessee. A private visit to the Hermitage! They scarcely gave him time to shake hands with the old family servants at the Hermitage. He was hurried from place to place, dragged along through dust and heat to public meetings, at towns, and villages, and cross-roads, and country stores; carried through Tennessee and Alabama; brought back, and taken through Kentucky, by the way of Cincinnati, to Washington. The friends of Mr. Van Buren resorted to every art to excite and induce him to take an active part in the election; and they now talk of a private visit to the Hermitage! Sir, I was told this morning, as I entered the Capitol, that some one of the members from Tennessee denied certain facts which every one there knows to be true. I hope, sir, that no such denial has been made. But, if it has, I stand ready to meet the gentleman, and maintain the truth of those facts any where. The President assailed me for the course which he said I had pursued in relation to the bill which contained the appropriation to carry into effect the Cherokee treaty, before he left the city, which complaint he frequently repeated on his way to the Hermitage. At Knoxville, a gentleman produced the Globe newspaper, which showed that I had voted and spoken in support of that measure. But it had no effect, for he continued to speak of it as he had done before. At Sparta, he denounced my friend from Virginia [Mr. Wise] as a liar. At the house of Mrs. Saunders, in Sumner county, Tennessee, he stated that my colleague [Mr. Bell] "told twenty lies in one speech, and knew them to be lies at the time;" and that Peyton was a greater liar than Bell. In passing through the district of my colleague, [Mr. Forester,] his very able speech at the last session of Congress having been mentioned, the President stated that any man could get as good a speech as that written at Washington for five dollars." When asked how Mr. Huntsman was, in relation to political parties, "He is on the fence," said the General, "and no one knows which side he will fall." The constituents of another one of my colleagues inquired, "Well, General, what do you think of our representative, Mr. Shields?" "Oh!" said he, "he is of no account, sir, no account; turn him out, and send some one in his place who is of some account." I have repeated these things, sir, not on account of any pleasure they afford me, but because those very gentlemen who were the cause of these exhibitions are now denying them. Let any man deny this statement who dare.

But the gentleman from Rhode Island calls upon us to take "the bull by the horns;" "to move an impeachment against the President at once;" says that "he is accountable for the acts of his ministers, and any attack upon them is in effect an impeachment of him." This is strange doctrine to me, sir. We wish to rope these calves, and drag them, bleating as they go, from the Treasury, for they have been sucking too long already; and the gentleman says no, "take the bull by the horns." Move an impeachment against the President, indeed! He accountable, criminally accountable for the want of integrity on the part of his ministers! Was there ever any thing more impudent than this? Because General Jackson is a patriot, does it follow that Reuben M. Whitney is any thing but what the world knows him to be? Because General Jackson is an honest man, does it follow that Amos Kendall, and all the other "hirelings," as he calls them, are honest too? This, sir, is the doctrine of the party—the doctrine of men into whose hands the government of the country has fallen. But, sir, the gentleman, in thus shuffling himself under the protecting mantle of the President, but displays the usual tact of the party to which he belongs. They are all patriots, if the President be a patriot. They are all honest men, if the President be an honest man. Sir, let me put a case in common life to illustrate this doctrine; one which every farmer will understand. Take any man of seventy years of age, put him on a farm with sixty hands to control, give him a full crop—corn, tobacco, and small grain—can he manage them so that no part of the crop will suffer? Suppose his foremen are faithless and roguish, that they are detected marauding the country of nights, taken with their pigs and turkeys, their chickens and potatoes, upon them, could they plead the virtues of their master as a justification of their crimes? Could you not lynch them without meaning to inflict blows upon the good old man whose confidence they had abused? There is no man amongst them who can stand one moment upon his own merits. No, sir; they have crowded and huddled together under the mantle of General Jackson, until that is not broad enough to cover them; they have worn it threadbare, stretched and torn it into tatters. You may occasionally get a glimpse of Van's bald pate popped out here, Amos's sharp face there, Felix's red eyes yonder, Blair's shank at one place, and Reuben's pockets filled with Treasury receipts at another; and now, sir, we have the gentleman from Rhode Island squealing around like an odd pig, for whom there is no teat, hunting a place to crawl in at. Now, sir, what I wish is, to strip the Jackson mantle off these gentlemen, and let them stand up for themselves. Every one knows that no gentleman upon this floor has any motive, any wish, to make an issue with General Jackson; that he cannot be the object of this resolution. His course is run, his day is past, his power is in other hands, and we wish to hold those gentlemen accountable for the manner in which they exercise it. There has been no investigation into the departments, which we propose to examine, for the last eight years. We wish to see a settlement of their accounts at the bar of the public, and the balance fairly struck between them and the people. They may be honest, very honest; if so, it is due to themselves that they show it. It may be otherwise; and, in that event, it is due to the country that we should have a committee of the House to show that. How is it proposed that they shall come to trial? Upon the certificate contained in the message, and upon that alone. The gentleman himself admits that these sweeping certificates

are unusual. I detest the whole system of certifying which pervades every department of the Government, and can be traced from Reuben M. Whitney up, (I believe you cannot go from Reuben down.) Yes, sir, a coward, who shrinks and runs from an adversary whom he has injured, will get a certificate of his courage to use upon the stump; a traitor will get a certificate of his patriotism; a rogue of his honesty; and a perjured witness of his veracity; and if you attempt to fix upon either of these his true character, he will ensconce himself behind his certificate. We ask permission to go into the various departments, and see what their true condition is.

But, says the gentleman, that is equivalent to an impeachment of the President, for here is his statement that all is well; "that there is no just cause of complaint from any quarter;" and the argument is, that if you find just cause of complaint, it will show that what the President has said is not true; and, therefore, if you do not mean to attack the President, there must be no examination whatever. We hold these officers, whose conduct we propose to examine, to be trustees; and we have reason to believe that they have abused their trust, and abused the confidence of the President, and demand that they shall give an account of their own conduct to the representatives of the people, and are met at once, and told that you are putting the President upon his trial; it is an impeachment against him; make out your specifications and summon him to the bar of the Senate. All we ask, sir, is, that the representatives of the American people shall send a committee and examine the archives, records, and papers of their own Government, in any and all of its departments, and make their report of the facts to this House. We propose no criminal prosecution against any one, but an investigation into the condition of the departments, and the honesty and fidelity of the public agents; and this the gentleman calls disfranchisement under the common law. He was eloquent and extravagant in his eulogiums upon the heads of these departments; he spouted their praises in poetry, and I suppose he means they shall live in song and story. He says the Secretary of the Treasury has not slept upon his arms. No, sir, he has not slept; and the party should feel under the highest obligations to him, for he has so contrived as to make the Treasury and the public lands a powerful auxiliary to Mr. Van Buren in the late election. By the celebrated Treasury order, which he issued, requiring specie in payment for the public lands, with an exception in favor of citizens of the States in which those lands are situated, he in effect offered a bribe of one hundred dollars a head for votes in the States of Mississippi, Arkansas, Missouri, and Michigan, which was then looked upon as a State. For, sir, at the sale of public lands in Mississippi last fall, specie was worth at one time twenty per cent.; and, while the citizens of Tennessee, then considered in rebellion against Mr. Van Buren, were required to pay this enormous tax, the citizens of Mississippi, a doubtful State in the election, were exempt from it. At Government price, three hundred and twenty acres of land would cost the Mississippian four hundred dollars, while the Tennessean, for the same quantity, was compelled to pay the sum of five hundred dollars, from the necessity he was placed under, by this order, of raising specie. And, sir, this was not confined to the poor and needy, but extended to the nabob, with his hundreds of hands and thousands of bales, while the specie was exacted from the most indigent and meritorious Tennessean. This, sir, is what I call high-handed oppression on the one side, and wholesale bribery and corruption on the other. Philip of Macedon never made a more unblushing use of money to corrupt and enslave the people of Greece. This Secretary must be entitled to the praise, and something more substantial still, to a portion of the spoils of the party. The gentleman alluded, also, to the visit of the Secretary of State (Mr. Forsyth) to Georgia, which he calls unfortunate; true, his visit was unfortunate; and of the visit of the Secretary of the Navy (Mr. Dickerson) to New Jersey, which was also unfortunate. He seems unwilling to give them any credit for well-meant exertions, and "wishes to God they had staid at home." This appears rather ungrateful, as they used their best exertions in the cause. It is true the gentleman attempts to conceal the fact; but it is notorious that the Secretary of State went to Georgia, and used every effort to rally his shattered forces; that he was openly electioneering for Mr. Van Buren. Amos, too, if I was correctly informed, made an excursion, for a like purpose, into New England. I am sure that I saw it stated that he had his face lithographed, and copies sent through the country, so that those who could not see "the divine original might at least gaze on love's counterfeit."

But, sir, the gentleman assumes another ground in defence of these "ministers," as he calls them. He says the appointment of this committee would amount to a disfranchisement of those officers whose conduct it is proposed to scrutinize, by denying to them a trial according to the strict rules of the criminal law. This principle holds only where a man is on trial for crime. All laws are to be liberally expounded, so as to detect fraud, but strictly construed when you come to punish a criminal. The gentleman goes too fast; he leaps to the conclusion, leaving us at the beginning of this matter; while we are commencing the development of fraud and corruption, which the law abhors, he anticipates the awful result which may be brought about, and is appealing to your sympathy on behalf of the culprit. Now, if he will be patient, we will go on with him, and in due season we will lean to the side of mercy, and acquit wherever there is reasonable doubt. This is strange doctrine to come from that side of the House. These officers are the trustees of the people, and accountable to the people. They have been long in office, and are about entering upon a new lease; and now, when called upon to make an exhibition of their fidelity and ability, their friends upon this floor raise the cry of disfranchisement and summary punishment. I deny and utterly repudiate this doctrine. Sir, in private life, no one denies the right of a principal to look into the conduct of his agent. What would that principal think of an agent who would shut his books and say, I claim protection under the criminal code; you cannot examine these books, lest it may lead to a prosecution against me? What honest man would not say at once he was guilty? What judge would sustain the objection for an instant? Take the case of a guardian: a motion is made in court, a committee is appointed, and he is brought forthwith to a settlement; could he object, on the ground that the examination of his accounts might develop crime, and lead to punishment? And, sir, have not the American people the same power over these keepers of their treasure, and guardians of their constitution, laws, and liberties, which a court of justice can exercise over the guardian of an estate and the children who own it? Sir, because investigation may lead to such a discovery, it does not preclude investigation altogether. The gentleman's fancy seems to be haunted by the idea of criminal prosecutions and penitentiary punishments. Well, sir, his fancies may be realized; he may know something calculated to excite his alarm; it may lead to that, and I would not be surprised if, in some instances, it did; but we move no impeachment, no indictment, no presentment, at this time. We merely ask that this House, as the great inquest of the nation, shall inquire into the state of the departments; and upon a report of facts, by a committee, it will then be able to determine what steps are proper to be taken. If crime is developed in any quarter, then

it will be the proper time to bring offenders to trial, and they shall have all the benefits of the strict rules of common law, and criminal law, and the benefit of clergy likewise. Sir, there is something "rotten in Denmark," or we would not have this resolute and continued opposition to all investigation, which is calculated to show mismanagement on the part of agents and officers of Government. At the adjournment of the last session of Congress there were pending motions and resolutions calculated to effect objects similar to those contemplated by this resolution, and they were all smothered by the party to which the gentleman belongs, and, I believe, with his assistance. The gentleman dreads a select committee, while he is willing to go to trial upon the certificate of the President, and seems to have full confidence in the result, if the matter be intrusted to the Committee of Ways and Means. Yet, sir, he is alarmed at the idea of a select committee, and says it will be a "fault-finding, censorious committee." Have the gentleman and his friends any thing to dread in the appointment of this committee? Is the Speaker subject to the suspicion of doing injustice to any of the party in the appointment of committees? Sir, is it not a matter of absolute certainty that a majority of this committee, if appointed, will be composed of the friends of these officers? Cannot those gentlemen meet their own friends without fear and trembling? Is there not virtue and talent in this House sufficient to guaranty protection to the innocent, as well as to insure the detection and exposure of the guilty? Are gentlemen willing that it shall be understood, and go abroad to the country, that they cannot face such a committee, composed of gentlemen of the highest honor and purest principle, even though they are their own friends? And these, too, are the men in whose hands the Government of the country is placed, and who claim to be above suspicion, beyond the power of this House, forted in upon all sides by the ramparts of the President's certificate.

There is one other position assumed by the gentleman from Rhode Island, which is quite original, and merits particular attention; it is this, sir: that the direction given at the last session to the bill commonly called the executive patronage bill is conclusive as to the views of this House upon the subject of executive patronage. And he seems to draw an inference that the House then gave its sanction to all that had been or would be done in the way of executive patronage, in all its departments. What are the facts in relation to that case? A gentleman from New York, [Mr. Mann,] on the 25th February, 1836, moved "that said bill be referred to the Committee on the Judiciary." My colleague [Mr. Bell] moved "it should be referred to a select committee;" and, pending these motions, a gentleman from Virginia [Mr. Dromgoole] moved "that the executive patronage bill be committed to the Committee of the Whole House on the state of the Union," which motion took precedence of the others, and prevailed, and there the bill has slept ever since. The question of executive patronage was not taken up for consideration afterwards; and now the gentleman contends that the House having failed to act upon the subject, it was therefore against the bill, and in favor of executive patronage, to the fullest extent. Sir, during the last summer, in Tennessee, I endeavored to inculcate this doctrine, so far as to hold a majority of this House accountable for its failing to act upon this as well as some other important questions; but this doctrine was controverted by you and your friends. How would it hold upon another great question—the question of amending the constitution of the United States so as to secure the election of President and Vice President to the people, at all events and under all circumstances? For the last two sessions of Congress this has been a leading question, and afforded a fair opportunity for the party to show their zeal in carrying out the measures of General Jackson. I, and the friends with whom I act, have ever been in favor of that measure. At the session before the last, soon after it was known that Judge White was a candidate for the presidency, and while we were urging the House to take up the resolutions upon that subject, the present Speaker [Mr. James K. Polk] made a speech, in which, after professing a willingness to go for the measure, objected to acting upon the subject then, alleging a want of time, and also some imperfection in the resolutions. I followed in a few remarks, in which I urged the importance of speedy action on the subject, and reminded the Speaker of his former course in relation to the matter; and, though he spoke against us, he voted with us to take up the resolutions. His friends, however, took their cue, and followed his precept instead of his example, and the resolutions were postponed. At the last session of Congress the same subject came up, with no better fate than before. It was with great difficulty we could get a report from the committee at all. They all professed to be in favor of the amendment. Oh! yes; but they seemed to agree to differ as to the mode of effecting it; and, at last, when the report came in, it took the same direction with the executive patronage bill, or something like it. We could not bring the gentlemen to a vote on either. And is it to be understood, now the election is over, (I know that it would not have been admitted before,) that all those who voted to give those important measures the go-by are to be set down as voting against them? If so, how do the party stand upon the great leading measures of General Jackson's administration? If we call upon gentlemen to walk in the footsteps of the President upon that oft-repeated but never heeded recommendation in regard to the election of President and Vice President, are we to be told that the House has already decided that question against the President's recommendations, by refusing to vote on the question? Are we to be told, if we propose to limit executive patronage, that the House has already decided that question in the same manner, and has sanctioned the full extent to which executive measures have been recently carried? And, sir, what is that extent? It is sufficient, if not checked, and grows into a settled precedent, to rivet chains upon us and our children forever. Such a precedent will authorize a President to make the nomination of his successor a cabinet measure, issue his proclamation calling a convention to confirm that nomination, and denounce, in advance, all who dare oppose the nominees before or after the convention acts, as "assailing public virtue, and opposing the right of the people to govern." For, sir, this has been done in the late nomination of the "Government" candidates, as they are called in the English journals. Was that ticket so remarkable for its purity and virtue that to oppose it was to assail the virtue of the people? Mr. Van Buren had promised to walk in the footsteps of General Jackson, and is, consequently, bound in due time to nominate his colleague (Colonel Johnson) for the presidency, order a convention to ratify his nomination, take the field, and secure his election by the use of all the ways and means in the power of the Executive. This, sir, is the extent to which executive patronage has already gone, and which the gentleman contends has beforehand been sanctioned by this House. This, sir, is what I deny. Whatever this House may be destined to do, it has not come to that yet.

Sir, I was not prepared for such doctrines, and I must say that I was not prepared for the opposition to the proposed investigation. I had hoped that gentlemen would have become ashamed of screening these officers, who, instead of running to General Jackson for certificates of moral character, should be the first to demand an inves-

tigation. But, sir, will the people of the United States be satisfied forever that they shall shrink from responsibility, hold up General Jackson's character as their shield, and thereby escape a scrutiny of their conduct? If they have acted honorably, we wish them to show it; if those suspicions, so common, so universal, are groundless, we wish the country to know it. Innocence never seeks for safety in flight, in concealment, but rather courts investigation and defies scrutiny. How can gentlemen reconcile innocence with this trembling and shrinking—this shielding themselves under the numerical strength of their friends in this House? This was their course at the last session of Congress. Remember, sir, what fatality attended every effort to obtain a committee of investigation then. Recollect the extraordinary and obstinate protection extended to that darling Treasury-pet, Reuben Whitney. Let it also be remembered that the Committee on Indian Affairs unanimously recommended an inquiry into the abuses of that bureau, which would have developed the causes of the late and present Indian wars in the South. That committee reported a resolution authorizing any two of its members to prosecute the inquiry by taking testimony for the information of the House at this session. But, sir, this resolution, reported by a committee a majority of whom were in favor of Mr. Van Buren, was rejected in the House. The citizens of Georgia and Alabama petitioned and implored the House to investigate that subject, alleging the most unheard-of frauds and abuses. Upon this application the vote stood: Ayes 77, noes 77—a tie; and the Speaker gave the casting vote against the investigation. Sir, men high in favor and high in office were suspected. The agent of the Government, John B. Hogan, gave the Department official information of the greatest outrages practised upon the Indians which were ever perpetrated upon any people, savage or civilized. He was very soon removed, or rather promoted, from Indian agent to be collector at the port of Mobile. And yet, sir, we have no account of prosecutions, convictions, and punishments, which have followed his disclosures. Why, sir, those speculators, or rather Indian robbers, would find an old chief upon his patrimonial estate, where the chiefs and kings of his race had lived for centuries before him, with his slaves and his farm around him, smoking his pipe amidst his own forest trees, spurning any offer to purchase his home; and they would bribe some vagabond Indian to personate him in a trade to sell his land, forging his name; and the first intimation that he would have of the transaction would be his expulsion, by force, from his house! This was common; and not only so, but, under the pretext of reclaiming fugitive slaves, the wives and children (of mixed blood) of the Indians were seized and carried off in bondage. The famous Oceola himself had his wife taken from him, and that, too, it has been said, by a Government officer, and was chained by the same officer to a log. Sir, what else could be expected but that these scourged, plundered, starving savages would glut their vengeance by the indiscriminate slaughter of the innocent and helpless families of the frontier, whose blood has cried to us in vain? This has caused the Florida war, which has produced such a waste of treasure, the loss of so much national and individual honor, and of so many valuable lives! This has called the gallant volunteers from my own State, and from my own district, who have traversed a thousand miles to fight the battle of strangers; to contend with a savage foe, while drinking those stagnant waters, whose malaria is death, many of whom are left in the wild woods of Florida, where "the foe and the stranger will tread o'er their heads," while their fellow-soldiers are far away, happy at home with their friends and families. One—ah! sir, any one of those noble youths, who now sleep under a foreign sod, was worth more than the whole army of plunderers who have caused the mischief. And yet, sir, such men as these were shielded at the last session of Congress by the casting vote of the Speaker. And now, according to the argument of the gentleman from Rhode Island, the House has sanctioned all they did.

I think, sir, it is time for this course of things to cease. It is time for the people to know something of the conduct of those in whose hands the public business is intrusted, and who really administer the Government. They have been behind General Jackson long enough. I was present when Mr. Van Buren took his position there. It was a striking display of that paternal care which the President has extended over Mr. Van Buren. In the spring of 1834, the President, Mr. Van Buren, and a few other gentlemen, I amongst the number, rode out to the Washington course to witness a trial of speed, (an amusement of which I am very fond, and for which the President had not altogether lost his taste at that day.) It was a trial run between the celebrated Busiris and Emily. The horses were brought on the course; all was calm and quiet until the rider of Busiris mounted, when the old courser began to rear and plunge; this seemed to stir the mettle of Old Hickory; he reared upon his stirrups and took command: "Hold him," (said he to the boy,) "don't let him run against the fence." "You must break him of that, sir," (to the trainer,) "I could do it in an hour." Turning to me, he said: "Take your stand there," (pointing to a position on the side of the course;) "there is but one place from which a horse can be correctly timed." I took my station with lever in hand. "Now," said he, "come up, and give them a fair start." At this moment he discovered the Vice President, who had come up and taken his position near me; he exclaimed with great emphasis and earnestness of manner, as he flashed his eye from the excited animals to the Vice President, "Mr. Van Buren, get behind me; they will run over you, sir." It would have done you good to see how natural and easy it was for Van to slope off behind the old chief. And, sir, there he has been ever since. Old Hickory would not get out of the way for us to run over him; if he had given us a fair chance, on any stretch or turn during the whole race, we would have run over him, or made him fly the track. But, sir, we have got him on the repeat; the General will be out of the way; he is no game-horse, and we will make a case of him on the repeat. I do not complain so much that the President has fallen in love with Mr. Van Buren, but I claim the privilege of falling in love with whom I please; and this, sir, is the last privilege which will ever be surrendered by man, or woman either. But, sir, Mr. Van Buren is in love with the President, too; and he accidentally found it out. The manner of this discovery is somewhat curious. I do not know this to be true, but it was much talked of and universally believed in this city. Mr. Van Buren was in conversation with a lady, an intimate friend of the President, amiable, interesting, and remarkable for communicating to him whatever she thought would be agreeable for him to hear. Mr. Van Buren said to this lady "that he had been reading much, and thinking deeply, of late, upon the characters of great men, and had come to the conclusion that General Jackson was the greatest man that had ever lived in the tide of time; that he was the only man among them all who was without a fault." The fair friend of the President was delighted. "But," said he, "whatever you do, don't tell General Jackson what I have said. I would not have him to know it for the world." You see, sir, that he was afraid she might forget it, and therefore thought it safest to jog her memory. But, sir, he might have saved himself that trouble, for the excellent lady flew to the President, and told him all that had passed. "Ah! madam," said he, with tears

in his eyes, "that man loves me; he tries to conceal it, but there is always some way fixed by which I can tell my friends from my enemies." Now, sir, Van was like the Frenchman, (though I want it distinctly understood that I differ with him about this, as well as about many other things.) A Frenchman began to write his deed thus: "Know one woman by these presents." "Why," said the other party, "do you not put it, know all men by these presents?" "Vell," said he, "is it not de same ting? If vone woman know it, will not all de mens find it out?"

When Mr. PEYTON had concluded,

Mr. GLASCOCK said he should, in the first place, vote to sustain the resolution of the gentleman from Rhode Island; and, if the House should not adopt it, he would then vote for that of the gentleman from Virginia. It was, however, due to the administration, and due to those distinguished gentlemen who had filled the head executive offices in this Government, that the charges against them should be specifically made, and not on vague rumor. At the same time he was willing that both the gentlemen from Virginia and Tennessee should be named members of the committee, and have an opportunity of examining every document, and exploring all the archives, and ransacking every recess for information, if they had any suspicion of frauds. Mr. G. then went on at some length in reply to the remarks of the gentleman from Tennessee, which were uncalled for, especially at this time, so far as the President was concerned, from any thing contained in the brief passage quoted from the message. He said he knew that the President desired investigation. Mr. G. was authorized to say that it was the President's own desire that, before his term of service should expire, a strict investigation should take place into all the different departments, and that all matters therewith connected should be inquired into.

Mr. RIPLEY addressed the Chair as follows:

Mr. Speaker: Had this been a proposition to inquire into the condition of the Department of State, of the Treasury, of the Navy and War Departments, and the General Post Office, with a view to investigate abuses, if they exist, no person would be more willing to join in the inquiry than myself. No individual would be more anxious to enforce the responsibility of subordinate officers. There are none who will go farther to ferret out any malepractices; and, if they really exist, to punish them with the high constitutional power of this House. Had the resolution for inquiry had these objects solely and honestly in view, I should have been the last to oppose it. But, sir, the President is constitutionally responsible for the whole of the executive department; the various radii of its powers concentrate as well its responsibilities as its honors upon him; and when I take these circumstances into view, and consider also the spirit in which this debate has been conducted, the position of the President cannot be observed without exciting our share of sympathy. Shall we, at a moment when his connexion with the people of the United States is about to terminate forever, and all the aspirations of ambition are to be dissolved by age, infirmities, and sickness; when the consciousness of his high and devoted services, which we all know he must possess, and the enthusiastic affection of the American people, were about to cheer the evening of his life, and to gild his expiring lamp, is it right or proper for the representatives of the people whom he has succored and saved to cut off this departing solace, and to imbitter his last days, by adopting a resolution which, if adopted, will sanction an opinion of this House, that corruption and Andrew Jackson have been coupled together? Will they do this without some specific charge, without some definite allegation, sustained at least by the endorsement of one individual in the House, who will be willing to give his name to posterity as the author of the allegation. In the speech of the honorable member from Tennessee, marked with so much wit and pungency of satire, the allegations are made against Andrew Jackson, as the object who is to be convicted of the corruption which is so broadly insinuated in the resolution to exist in the executive department. I am not willing to exercise the high constitutional powers of this House, in the least degree, in sanctioning such an allegation.

General Jackson, after a life spent in the service of his country, is about retiring from the elevated position he holds as presiding executive officer of these States, at an advanced age, and worn down by the labors spent in that service. He is now, sir, on the bed of sickness, which may prove his bed of death. God grant that it may not, but that he may live many, many years amongst that people whose rights he has so bravely and honestly defended, and whose prosperity under his successful administration has excited the astonishment of the whole civilized world.

What, sir, is the relation that Andrew Jackson bears to the representatives of the people of the United States? From the period of your revolutionary war to the present moment, he has been the lofty, indefatigable defender of his country. In war and in peace, on the battle field and in your councils, his exertions, his toils, and unceasing energy and integrity, have done as much as any other man, not excepting your Washington in the field, and your Jefferson and Madison in the cabinet, to elevate the character of this republic, to advance its prosperity, and to preserve its peace. His name has been a tower of strength, and under his administration the character of an American citizen, as was that formerly of a Roman citizen, is a passport throughout the world. Ay, sir, in foreign lands, wherever your star-spangled banner displays, from the high and giddy mast, the character of our republic, under the ægis of the lofty virtues of the President, has that wall of strength that feels ever conscious of the protection of a great and powerful nation. And would you, sir, would this House, after a life thus spent, and which impartial history is about to take charge of for the benefit of his country; would they at the eve of his long life, so worthily spent in all that is patriotic and virtuous in the public service; would they pursue him with insinuations that corruption, with its blighting mildew, had found entrance into the bosom of Jackson's more than Roman virtue? If this House institutes the inquiry, it sanctions the charge; and will they, without any specific allegations, just at the close of General Jackson's career, hold the fatal chalice to his lips, which should poison and imbitter with the stings of ingratitude the evening of his life? We have had no precedent to justify such a measure. Party spirit has raged and misrepresented all your Presidents during their term of office; but they have passed and are passing off the stage, all with the award of official and personal integrity. Some have not been re-elected by the people, but against them no charge of corruption is found imbodied in the annals of the country. Nor does any American citizen, at even this lapse of time, impeach their integrity; no one charges them with wilful or wanton corruption, while administering the affairs of the Commonwealth. The only allegations made against them, as they quit the scene of their labors, of their glories, and their services, were, that a distinguished member, formerly from Virginia, accused Mr. Jefferson of retiring with a political falsehood in his mouth; and an equally distinguished member from Massachusetts moved his solitary vote to impeach Mr. Madison. I have no doubt, sir, after the excitement of party was over, both of these gentlemen regretted these allegations. The charges never have and never will affect the great patriarch of liberty, the

author of the declaration of independence, or his equally illustrious friend, the founder and champion of our constitution. The one unfurled to the world the principles of popular government; the other, more than any man, connected liberty with law—secured an equality of political rights, by securing to society the fruits of labor. Wherever oppressed man rises to resist the oppressor, the declaration drawn up by Thomas Jefferson is invoked. Wherever constitutional law is appealed to, to secure those rights, the political writings of James Madison form the pure fountains of living water which diffuse liberty and tranquillity amongst the nations. Together, locked hand in hand, they are working their silent way, and they have planted that school of political liberty, of which this republic may arrogate to itself, through their exertions, the being the founder.

Republics have been accused of being ungrateful. Aristides was ostracised for being called the Just, and Themistocles banished, after saving his country from desolation. The authors of these acts have not transmitted their names to posterity. How keen would be the reproaches of the history of the last two thousand years, how withering their infamy, if they had not escaped by this silence of history. General Jackson has been doomed to meet the same ingratitude, after preventing the dismemberment of our republic, after rescuing the fair and fertile fields of the State which I have the honor to represent. There, sir, helpless age and tender youth, and all the charms of refinement and beauty, were protected by his hand. There, sir, was effected one of those signal deliverances of a people which has already caused the plains of New Orleans to rank with Marathon and Platea, reflecting all its bright lustre upon the army of liberty that fought under him, and sending all its glowing light throughout the world, to elevate the character of this republic. Sir, almost at the moment this was effecting, and while painting, history, poetry, music, and sculpture, were giving greenness to his immortality, the Senate of the United States were denouncing him in the Seminole war. Sickening with the same feelings that were pained at hearing Aristides called the Just, the detractors of Andrew Jackson loathed the beau ideal of his character. Again, during the panic, that same body have impeached and condemned him, without a trial, for an alleged violation of the constitution of the United States. How, sir, have the people met these charges? They have almost by acclamation elected him President on each occasion. They have rallied to defend him. Where, sir, are his accusers? I ask again, where are they? And, sir, permit me to predict that if the present resolution passes, it will only reflect disgrace upon the present House of Representatives. The people will come to the rescue, and expunge the resolution from this House, as I trust they are about expunging a former one from the Senate. The whole future history of the country will hold up in proud relief their old chief, *sans peur* and *sans reproche*, and the ingratitude of this House in pursuing him with the odious charge of corruption, even upon the bed of sickness and of death, when I do not believe there can be a member here who conscientiously believes that Andrew Jackson ever was, in thought, word, or deed, unfaithful or inimical to the interests of this country.

I regret that the honorable member from Tennessee should have been so excited by a warm election contest as to urge, upon such trivial grounds as he has alleged, so grave an inquiry into the corrupt conduct of the executive departments. The State of Tennessee has been reared under the fostering and paternal care of Andrew Jackson. He has done more than any other man to elevate and form its character. Intelligent, chivalric, patriotic, and virtuous, they will be the last portion of the people of the United States to sanction allegations, either personal or as the constitutional head of the Government, against their veteran chief. Those brave men who followed his banner through the Creek nation, and on the plains of New Orleans, with the citizen soldiers of Kentucky, Mississippi, and Louisiana, are not to prove so recreant to Andrew Jackson, and so unfaithful to themselves, as to imbitter the remnant of his days with so unjust an accusation. And what are all the allegations that the honorable member adduces to justify the exercise of the high constitutional power of this House? That the President, in a conversation with a friend, had remarked that Mr. Bell, another member from Tennessee, had stated lies about him, and that "Peyton could tell twenty lies to Bell's one." Now, sir, what were the facts in the case? The honorable members from Tennessee at the last session had indulged in pretty severe censures upon the President's administration. In conversation with his neighbors, according to this statement, in naturally vindicating himself, he had pretty warmly recriminated. I think the language that he made use of, as is usual on such occasions, must have undergone, in the course of its gossip, some version before it reached ears of the honorable member; for it is not the language of that delicate and manly bearing which all know mark the character of Andrew Jackson. At any rate, is a mere controversy in an election, where the President and the honorable members from Tennessee, in the exercise of their constitutional rights, supported different candidates, to be the basis of an inquisitorial examination, on the part of this House, into the conduct of the executive departments?

Again: the honorable member alleges that this House refused to institute an inquiry into frauds that were perpetrated upon the Indians of Alabama, by the citizens of that State, in the sales of their lands to individuals. When that resolution was introduced into the House, I had the honor of proposing an amendment to it, referring the subject to the President of the United States. The motive for this amendment was, that this House had no constitutional power to order the investigation by their authority; and, if it had been done, it would have been one of the most fatal precedents to the rights of the States. It was alleged that the Indians had been swindled out of their reserved lands, in many cases, by residents of Georgia and Alabama. Of course, if offences had been committed, as I know of no law of the United States providing for such cases, they were common law or statute law offences against those States, not cognizable by the United States tribunal. In a case where the State of Alabama secures a speedy trial by jury, and a cross-examination of witnesses, would any person arrogate to this House the power to send its committee to make an *ex parte* investigation, to hold up its citizens as malefactors, without being heard, without the privilege of counsel, and the cross-examining of witnesses? Suppose, sir, that, in obtaining the charter of a bank in a neighboring State, respectable citizens should be accused of fraud and bribery, an offence that is punishable by the common law of that State, does this House, sir, possess the power to trample upon State rights, and send its committee of inquisition into the halls of the State Legislature, to hunt up *ex parte* testimony as its basis, and to hunt down all that is respectable and venerable in the character of its citizens, to condemn them unheard, without grand juries or petit juries, and draw up a withering report, that would blast them as far as our language extended, before they had an opportunity of defending themselves? If this power had been exercised by the original resolutions of last session, like the Council of Ten at Venice, or the Holy Inquisition of Spain, it would have sung the requiem of public liberty, and broken down the whole penal jurisdiction of the independent States. And I feel peculiar personal con-

solation in being the means of arresting the progress of a measure so fraught with disastrous consequences. The subject was referred to the President, who was directed to investigate into the cases of fraud. From the character of the agent employed by the President, (General Hogan,) I feel confident, from my knowledge of the man, that the duty has been faithfully attended to; and if, as the honorable member suggests, he has received the collectorship of Mobile, it cannot have been conferred upon a more deserving or more intelligent citizen, or one who has more gallantly defended his country during the gloomiest period of the late war.*

The honorable member has also referred to the Secretary of the Treasury as being embraced in the general allegation of corruption. Sir, the lofty character of Levi Woodbury is too well known to this House and to this nation to require any comment from me. Born, reared, and educated, amidst the granite mountains of my native State, his stern and sterling virtues had already carried him to the highest honors of New Hampshire, when, in the midst of the panic battle, he was called to the arduous duties of the Treasury of the United States. New England may justly feel proud of the high character which he has reflected back upon his native land. And let me ask, what inducement to corruption can there be on the part of Levi Woodbury? There has been no specific charge against him; not a whisper of prejudice that he has done any thing to forfeit his exalted character. He is affluent in his personal situation, with every thing to make him happy in domestic life; and, above all, principles of the most stern and unbending integrity are interwoven with his nature. The only allegation insinuated against him is, that in the exercise of his duty, imposed by a law passed by this House, he is compelled to transact official business with the agent of the deposite banks. That agent is no officer of this Government; we have no constitutional power over him. He has been assailed by the severest epithets of party. He has been employed by the deposite banks, many of them in opposition to the administration, to attend to their business with the Treasury. For my own part, I do not learn any specific charges with which he is accused. And I have no doubt that the President, when he gave him the character which the honorable member states that he did at Jonesborough, came to the honest and conscientious conviction that such a torrent of anathemas from the opposition in this House, assailing the character of this man for more than four years, would have annihilated him had not his reputation been founded upon the rock of integrity. High-sounding epithets and bold denunciations cannot, thank God, blast the character of any American citizen, unless they are accompanied with specific allegations and specific proofs. On the contrary, they raise in the generous minds of the American people that spirit of sympathy for unmerited persecution which is sure to protect its intended victim, and roll back the current upon the author.

I feel, sir, that I should have but unworthily discharged my duty as a Representative of Louisiana, had I not raised my voice in opposition to this resolution. Whatever may be the personal or political predilections of my constituents, gratitude to Andrew Jackson for the inestimable benefits he has conferred upon the citizens of our State is an almost pervading sentiment. It is, like the vestal flame, guarded with intense care, and faithfully transmitted from one generation to another. As the 8th of January revolves its annual rounds, so often does the hoary veteran who shared in the memorable campaign repair to the grass-grown hillock which marks the battle field, and recite the eventful story to his children. Often are time and space annihilated, and the years of his pilgrimage recalled to the desperate conflict; and in those rural fetes, which none knows better how to grace with refinement and beauty than the gallant Frank of our sunny clime, the revered name of Andrew Jackson is never forgotten, and the choicest of Heaven's blessings are invoked upon the patriot's head.

Mr. PEYTON rose and said:

Mr. Speaker: The gentleman from Louisiana has charged me with assailing the President's measures, and to that cause he ascribes the excited state of feeling under which he spoke while in Tennessee. My opposition to the measures of the President! I defy that gentleman to point to one of the great measures of General Jackson's administration which I had not supported, unless he claims the election of Mr. Van Buren as one of those measures. If so, I did oppose that measure, and will ever be found in opposition to such an executive measure. But, sir, has any man the boldness, the hardihood, whatever may have been his motives of action, to avow such a doctrine upon this floor? The gentleman speaks of Tennessee in connexion with "the ingratitude of republics," and expresses a "hope that the people of that State will yet learn to appreciate the character and services of General Jackson." This charge against Tennessee, of ingratitude to the President, is not original with the gentleman, [General Ripley.] It has been adopted by him from the lowest source—it issued from the dark caverns of the Globe. What, sir! the people of Tennessee learn to appreciate the character and services of Andrew Jackson! Look at his history—when he first crossed the Alleghanies, a beardless stranger, with his knapsack upon his back, his rifle on his shoulder; no power, no patronage then, sir, with nothing to recommend him to our pioneer fathers but a congenial spirit. How did they receive him? With open arms they took him to their bosoms. They conferred upon him all the honors, all the offices known to their laws and constitution. And, sir, their sons have stood by him in every crisis, in every peril of his subsequent life. Look back, sir, upon the highway of his fame, and you will find the bones of a Tennesseean mouldering upon every field of his glory. And the gentleman hopes that Tennessee will learn to appreciate his character! It is true, sir, that in the late presidential election Tennessee early took her stand. She planted herself upon those principles for which she had battled by the side of General Jackson; and there she proudly stands yet, firm, fixed, and immoveable. She was not to be driven from the ballot-box. She could not, she dare not, yield her principles, and surrender up her liberty, at the command of any man. But, sir, I wish to set the gentleman right upon another point. He contends that the House, in adopting this resolution, will do General Jackson injustice; that we who advocate it have already done him great injustice. Is it in this manner that every inquiry, every investigation, is to be strangled in its infancy, under the pretext of inflicting injury upon General Jackson? Why, sir, we have to legislate upon this subject under the terrors of "expunge." Yes, sir, the gentleman has announced to the House that if this resolution is passed it will be expunged. The Lord save me from an expunging House, as well as an expunging Senate. I have witnessed, with loathing and disgust, the operation of that process in the Senate. I have seen the great expunger, [Colonel Benton,] in the grim majesty of his expunging power, lashing, with the whip of scorpions, abler and honester men than himself to the work; flogging them on to make war upon the constitution of their country and the journals of the Senate; and I have shuddered when I saw it. But I saw, sir, last winter, a disposition manifested by the party, I am sure I did by some of its leaders, to encourage him in his mad schemc of

* General Hogan served with great distinction in the staff at Chippewa, Bridgewater, and Fort Erie.

wasting the surplus revenue, that he might batter out his brains against the walls of his own fortification system, and thereby save them the trouble of knocking him on the head. Sir, he will never rise, under the weight of that stone and mortar, from the mud and quicksands into which they have plunged him. Sir, I hope never to see this House scourged by so rude and barbarous a despotism. I hope that Heaven has for us in store a better fate. "Expunge," sir! expunge what? We propose to look into the conduct of your "hirelings"--to examine the dark deeds of your Whitneys and your Kendalls, and have "expunge" flung in our faces. But are we, the representatives of the American people, to falter in our duty, and cower under the iron sceptre of some expunging hero who is to rise up amongst us? And, sir, if we but touch one little twig of this great Jackson tree, which overshadows the land, and stretches its branches throughout the continent, we are charged with an assault upon its trunk, and expunge is instantly proclaimed. No, sir; we wish to brush off these sap suckers, who have been drawing from that body its vitality. We have to approach them as boys kill woodcocks, by whipping round Old Hickory; and I have always advised the mildest measures, the use of limber switches, so as not to hurt him. There was something in the gentleman's manner, and the tenor of his remarks, which seemed to appeal from me to the people of Tennessee, and to threaten me with their displeasure. Sir, the boldest representative upon this floor is far behind the spirit of that people in their unshaken purpose of asserting their rights and maintaining their freedom. A cruel war has been waged against Tennessee, but she has met the crisis as became her character; she has met the mercenary legions unawed; she may be crushed, but not conquered; she may fall, but if she does, it will be at the shrine of the constitution, in the grave of public liberty. And, sir, I will go down with her; I would not survive her fate. I am willing to go home and meet my people; I have nothing to fear from them; their kindness and partiality towards me have always been far beyond my merits. But, sir, the injustice done to General Jackson by supporting this measure; what is it? We demand an investigation into the agency of Reuben Whitney; we ask for an inquiry into the condition of the Treasury. We require that there shall be a full investigation into all the departments, and into the conduct of the whole army of public officers, who have been engaged in this business of the succession--this trampling under foot of laws and constitutions. We wish to know from whence came this money. Where is the source of their corruption? Where is the mint from which they can send their hireling editors through the country, poisoning the fountains of intelligence amongst the people? How is it that our army in Florida has been neglected, and left to suffer for want of supplies, while it was within a few days' sail of New Orleans? Men starving, horses sinking under them in the swamps—all, all, sir, in consequence of gross and criminal neglect somewhere. Was it that our high functionaries were too busily engaged to think of the army—too full of Mr. Van Buren to cast a thought on Oceola--too busily engaged in electioneering to think of the gallant men who were fighting the battles of their country? It is in behalf of men whose conduct has been such as this that the message volunteers a laudatory certificate. Sir, I deny the authenticity of this message. General Jackson never gave that certificate. They have written it themselves, and obtained the signature of his name. And yet, with such a testimonial in their favor, they shrink from the proof--they shrink from inquiry. Let us have the proof, sir, and then we will see whether they are honest or venal, corrupt or immaculate. Sir, I do not say they are corrupt; that is just what I wish to find out. I want a strict and impartial investigation. It is lawful, it is usual, to make such inquiries. It is surely right to investigate our own affairs--to examine into the deeds of our own agents. This is our right, it is our duty, and cannot do "injustice" to any one. I protest against the issue which the gentleman from Louisiana has joined. It is not a question between General Jackson and this House; his person and conduct is one thing, and the persons and conduct of these officers is another. I hope that no attempt to crush this investigation on such an issue will succeed; and, sir, let us hope that no American Congress will ever be found ready to expunge an order directing an investigation into the departments. No, sir; this will never be the case, so long as a shadow of our liberties remains.

Mr. A. MANN said that, of all the debates to which he had ever listened, this was the most useless. The cry of corruption had been raised against the heads of these departments for two or three years, without there ever having been any specific charge of corruption or maleadministration. He, for one, should be well pleased to see the accuser come face to face with the accused. If there was corruption any where, let it come out. But these general charges were made to extend to every nook and corner of our Government. Why was this? The cry of corruption was raised, but why did not the gentlemen show the act and point to the man who was guilty of it? Who was he in whom corruption had been found? He (Mr. M.) would assert, on behalf of the executive departments of this administration, that their officers courted investigation, and were desirous that your committees should be sent amongst them. He was in favor of investigation, but the resolution of the gentleman from Virginia contained merely general charges of corruption. He was in favor of Mr. PEARCE's amendment, and would give power to a committee to investigate any specific charge which any member might make on this floor, or which any individual of a respectable character might make elsewhere. But let the investigation of the committee be confined to the particular charge which might be made. If there was corruption, let it be made known; if not, let not gentlemen be convicted upon mere general charges, having no proof to sustain them.

In reply to a question from Mr. UNDERWOOD,

Mr. MANN explained, that he did not say that he should vote against the original resolution, if the amendment be not adopted, but that he preferred the latter.

Mr. UNDERWOOD said that the remarks first made by the gentleman from New York [Mr. MANN] had afforded him a great deal of pleasure, for it seemed from them that the gentleman was in favor of the fullest and most thorough examination of the departments which could be made; and it also seemed that the heads of the departments, conscious of having discharged their duty, courted investigation, because they knew it would result to their credit, and confirm their claim to public confidence. But, sir, (said Mr. U.,) the concluding remarks of the gentleman from New York, in which he preferred the amendment offered by the member from Rhode Island to the original resolution, appeared to me inconsistent with those declarations, favorable to that full and latitudinous investigation, which were made in the first part of his speech. What, I ask, is the difference between the original resolution, adopted by the Committee of the Whole, and the proposed amendment? The original allows an unrestricted examination; the amendment would confine it to specified charges, to be made before the examination is commenced. The committee will not be tied down to any particular charge, or to any narrow course of inquiry, by the original resolution. This would be to permit that full and untrammelled examination which could not fail to expose the hidden things of darkness and corruption, if the departments

are guilty, and to which I thought the member from New York had fully assented.

[Here Mr. Mann asked leave to explain, and said that he was in favor of a full and thorough examination; but his objection consisted in the generality of the investigation without specifications; a course which seemed to him too much like a general search warrant, and therefore inconsistent with sound constitutional principles; and he hoped the gentleman from Kentucky would take his idea.]

I think (said Mr. Underwood) I comprehend the gentleman from New York, and will not pervert his meaning. If we were in pursuit of stolen goods, and desired to search for them, the gentleman's idea is correct. We should then be bound to specify the article lost, and the place where we expected to find it; and, before subjecting a citizen to the humiliating process of having his private apartments searched, the constitutions of the United States and State of Kentucky, and probably of every other State in this Union, would require an oath or affirmation in support of the facts before the magistrate issues the warrant, and then the warrant should specify the place to be searched and the thing to be taken. But, sir, who ever heard these well-settled constitutional principles, until now, applied to political investigations, to the examination of the departments of this or any other Government? Has it come to this: that, when we ask for the appointment of a committee to ascertain whether our affairs have been properly managed and conducted by the servants of the people, gentlemen consider the proceeding analogous to the pursuit of thieves and stolen property, and contend that we ought to proceed with the same caution and formality? Sir, such a suggestion can result from nothing less than inconsiderate zeal in support of men who may be pure, and who ought to court, rather than shun, investigation, if their conduct fears no scrutiny. The idea that there is something wrong in a general commission or warrant to search and examine the political movements and official conduct of the departments of this Government seems to me totally at variance with the genius of all our institutions. What are the departments of this Government? Nothing but executive trusts, confided to agents, to be exercised according to the will and for the benefit of the people. The trustee or agent is amenable and responsible to the people; and how can that responsibility be enforced unless the people, whenever they choose, and at all times, can look into and examine as they please the records and official acts of every public functionary? And how, sir, can the people do this, unless it be through their Representatives on this floor? I demand it as a right, in the name of my constituents; and in their behalf I call for the practical exercise of that right, which will enable a committee of this House to lay before them the official correspondence of every Secretary, the condition of their offices, and the whole evidences of their official conduct, whether it be good or whether it be evil.

If such an examination be not legitimate, if we have no such power, then indeed are the officers of Government placed above the reach of the people, and from nominal servants have become practical masters. The ample investigation tolerated by the gentleman from New York is coupled with the condition that we shall first charge some specific offence, and then he would allow us to examine the records, without restriction, for evidence in support of it. Now, sir, such a proceeding would be well calculated to turn the investigation into ridicule. It would be necessary, if that be the appropriate course, to form charges and specifications by guessing; and unless we happened to guess right, the whole investigation would amount to nothing; for I suppose no one will contend that conviction under impeachment, or public condemnation, would be the result, where the prosecutors had wholly mistaken the nature and character of the offence, and had exhibited charges totally variant from those sustained by the proof. Sir, I am not disposed to commence the investigation by guessing; but I am truly anxious to have an inspection of all the records of the several departments, for the purpose of ascertaining whether there has been any misfeasance or malfeasance committed. If any can be found, then it is time to bring forward the accusation. If none exist, then an honest committee should proclaim to the nation that all is well; and those who, from ill-founded suspicions, have insisted upon the investigation, would feel the blush of shame for having done injustice, in their thoughts, to the virtuous patriots who, uninfluenced by selfish and corrupt motives, have only labored to promote the great interests of the country.

The true question is, whether we have a right to make the examination before charging any offence; or must we specify offences at random, and then call for a committee to ascertain their truth? If it was a mere copartnership between the heads of the departments and the representatives of the people, we should have the right to inspect their books and papers; and a refusal on their part to let us do it would be just cause for dissolving the concern. But, sir, it is not a copartnership in political trade, where each member of the firm shares the profits according to the capital of intrigue and management he contributes. Such a doctrine is only current with those whose motto is, "to the victors belong the spoils." The people of this nation, in whose place we stand, do not admit the existence of any partnership with their rulers. It is no joint-stock company. Those who rule in the executive departments are the mere agents of the people, the trustees for their use; and we, temporarily clothed with the power of the people, as their representatives, have the same right to call upon those agents and trustees to exhibit all their books, records, and accounts, touching the affairs of the Government, that the merchant has to call upon his factor, or the landlord upon his steward. Sir, this right is the true basis of American liberty; it is the essence of responsibility; and if it be not practically exercised, the people can never settle their accounts, or know how they stand with their rulers; and when the gentleman from Louisiana [Mr. Ripley] seemed to deny the very existence of such a right, I felt that he was uttering sentiments and opinions more congenial to the monarchical atmosphere of Europe than the republican expanse which encircles the States of this Union. If there is no such right, liberty is dead, and despotism reigns.

But, sir, the abstract right has not been positively denied, although it has been treated as if it did not exist; and the manner proposed for its exercise, by the amendment of the gentleman from Rhode Island, rather implies a want of right or authority to send out a committee to make a general examination. The gentleman from Rhode Island is an astute lawyer; and, if he will reflect a moment, he must be sensible that the course indicated by his amendment is a departure from the settled paactice in courts of justice, designed to bring the violators of the penal code to punishment. By their practice, the grand jury is first empannelled and sworn to inquire; and, sir, the grand jury is unrestricted in its inquiries. It has no limits, but may take a range of investigation coextensive with the penal laws of the land. The grand jury indicts and presents, and gives shape and form to the charge. After the grand jury has specified the time, place, circumstances, and manner of the crime, then comes the *venire*, and the accused is put upon his trial. The gentleman's amendment reverses the order of things. He would have the prosecutor to state the charge by guessing, and without

the examination of any witness before the grand jury, or a court of inquiry, and then he would forthwith enter upon the trial. Only indulge the gentleman in such a course—a course which subverts the settled wisdom of the country, growing out of the experience of ages—and I will venture to say that no culprit ever could be convicted, with the gentleman's talents employed in the defence. This House is the grand inquest of this nation, and I, for one, Mr. Speaker, will never consent to trammel its investigations by adopting a limited rule, such as the amendment proposes.

The gentleman from Louisiana, [Mr. RIPLEY] seems to consider the original resolution, which contemplates an examination of the departments in all their ramifications, as an insinuation against the integrity of the President. He [Mr. R.] will not look into the condition of the departments, because the President has certified that all is well; and to look for himself and his constituents after that would be to suspect the truth and honesty of the President.

I was astonished to hear such sentiments avowed on this floor. They are, in my opinion, exotic, plants which should never be permitted to take root in American soil. It is the doctrine of passive obedience, of quiet acquiescence in the will of a master. Sir, the gentleman forgets that eternal vigilance is the condition upon which public liberty depends. We should receive nothing without examination, without sifting it thoroughly, and ascertaining for ourselves and our constituents all its properties and qualities. If we are to take things on trust, our presence here might as well be dispensed with, and we had better surrender at once all the powers of government into the hands of a truthful and honest President. Sir, I have nothing to do with the truth or honesty of the President. I shall neither concede nor deny him these qualities upon this occasion. By his "fruits" I know him. But as he is soon to retire from his station, and as it does not affect the principles for which I am contending, whether he is truthful and honest or otherwise, I shall not stop to inquire into such personal qualities. But suppose it were conceded that his character for truth and honesty stands as high as his warmest admirers would place it, are we to abstain from an examination into the conduct of our public functionaries, and the situation of their offices, merely because the President is of opinion they have done their duty? The President's certificate in their behalf is nothing more than his opinion; he does not inform us that he has made a minute and personal examination into the condition of the departments, and that his opinion is the result of such examination. We know that the President's official duties have required a great deal of his time. His absence last summer, and his recent illness, connected with his official engagements, have allowed him very little time to devote to the examination of the departments; and hence, sir, this House and this nation may form a very different opinion in regard to the heads of the departments and their conduct, from that expressed by the President; and all this may be done without assaulting his personal character.

The gentleman from Rhode Island [Mr. PEARCE] seemed to oppose the proposed investigation, because he apprehended there was a lurking purpose to depreciate, if not slander, the characters of those who are at the head of the executive departments. I am equally sensible, with that gentleman, of the value to this nation of the reputation of our public men, and I have had cause to regret the unmerited reproaches and vile calumnies which are often cast upon them by a corrupt partisan press; but I cannot perceive any good reason for opposing the original resolution, lest the characters of those high in office might suffer by its adoption. We must take it for granted that the committee will report nothing but facts. If the facts are of such a nature as to produce censure, degradation of character, and expulsion from office, it will be much more creditable to the nation and its institutions to expose the base motives and bad acts of exalted functionaries, than to leave them unmolested in their high places, presenting a fair exterior to dupe the world, while all is disgusting filth and rottenness within. I admit there is a diminution of national character whenever any of our high officers are shown to be unworthy of their stations; but we had better lose in this respect than to wink at corruption for the sake of appearances. By detecting, exposing, and punishing political criminals, those who offend against the statutes and principles of liberty, there is a national gain of reputation, which more than counterbalances the loss I have mentioned. The gain consists in the manifestation of a sound state of moral and political sentiment, which will not allow offenders to escape with impunity; and the assurance we find in the stern political virtue which condemns the official knave, that our free institutions are destined to last forever. Now, sir, let us test those principles of loss and gain, by instituting the fullest and most unlimited inquiry; and if the result is, as some predict, that the characters of our cabinet ministers will shine the brighter from having passed the ordeal, the nation will gain much by the conviction that existing suspicions are not well founded, and by the increase of the reputations of those high functionaries.

It has been said that the original resolution proposes a new thing, for which there is no precedent in the history of this Government. Grant it, and what of that? Is not the President's laudatory certificate in behalf of all the executive departments and their officers a new thing in the history of this Government? What former President ever did the like? If the President introduces a new practice, may we not meet it by an appropriate novelty? If the original resolution is amended, it should be done by providing for the appointment of a separate committee to examine each department. One committee, I fear, cannot go through the whole. If such a practice had prevailed, as I think it ought to have done, from the commencement of the Government, I have no doubt that many things which have been improperly done would not have taken place. Early impressions, Mr. Speaker, are never forgotten. The first lesson taught me, as a member of the Kentucky Legislature, many years since, was the propriety of appointing annually a committee to examine each department of the Government of that State, and to report upon its condition. The offices of our State—Auditor, Treasurer, Register, &c., are annually examined by a separate committee, and reported on. We do not take the Governor's word that all things are going on well; but the representatives of the people investigate for themselves and their constituents; and the same practice should prevail in this Government, henceforth and forever.

If, Mr. Speaker, I have satisfied the House that we possess the power to make a general examination into the condition of the departments, without stating beforehand any specific abuse or malfeasance as the object of inquiry; if such power necessarily results from the legislative powers vested in us by the constitution, and from the power of impeachment, then there is nothing left to be considered but the propriety of exercising the power at this time. It is nothing more nor less than an exercise of the right to examine a department when this House calls for a report. We have as much right to appoint a committee to ascertain a fact by inspecting the records of a department, as to require the head of the same department, or the chief of any bureau, to report as to the particular fact, upon his inspection. Suppose a question should arise whether the fact is truly reported,

how can you decide unless you have the power to examine? I dismiss the argument in regard to the right of a general examination, and will proceed to show the propriety of its exercise.

Will it interest the people of this country, and of the whole civilized world, to know whether there are corrupt combinations existing among the officers of this Government, to aid and assist each other in procuring and retaining for themselves and their relatives offices and the emoluments thereof? Is it advisable to ascertain, in this the freest Government on earth, how far the spirit of despotism can or has obtained power to proscribe and punish those who dare to assert with boldness, and to maintain with independence, their principles of policy, and their opinions in regard to men? Will it have a salutary influence among the lovers of justice and votaries of freedom, to expose the wicked schemes of self-aggrandizement, which sometimes corrupt the wholesome administration of the laws, and infuse a deadly poison into the legislation of a country? If these questions are affirmatively answered, then, sir, we ought now to raise a committee and require an examination according to the original resolution. Whether the committee would find, by their investigation, facts to alarm the nation, or to cheer it on its forward march to greatness in population, in wealth, in resources, need not be anticipated. The committee would certainly find facts of the one kind or the other; and the investigation would necessarily result in pointing out dangers which threaten our destruction, or in confirming our hopes of the durability of our institutions. Either result is desirable, and hence we should not hesitate to adopt the original resolution.

I will suggest some things which could be done, and which could not fail to be deeply interesting to the public. Shortly after the election of General Jackson as President, the postmaster at Glasgow, Kentucky, was removed from office. He did not vote for General Jackson. A political partisan was appointed in his place. The removed postmaster had the business of the office conducted to the satisfaction of the people, so far as I am informed. During the last session, charges of malfeasance were forwarded to me against the then incumbent, so satisfactorily sustained by proof, that the Postmaster General removed the incumbent, and appointed another in his place. Now, sir, the documents by which the removal of the postmaster last session was accomplished are no doubt on file in the Post Office Department. The documents and charges upon which the first removal took place ought also to be there, and doubtless are. I would have an examining committee inspect these documents, and collect from them the principle of action with the Department, which, in the first instance, caused the removal of a competent and faithful officer, without any complaint against him, and the appointment of an individual, a political partisan, afterwards removed for malfeasance. A similar inquiry should be had in all other like cases. In the progress of the examination, I would also examine the correspondence and documents relative to the removal of the postmaster at Stanford, Kentucky, and the appointment of Alfred Hocker in his place! I presume the House are not ignorant of one act, at least, performed by this notorious personage; and every gentleman, no doubt, has heard that when he demanded possession of the books, papers, &c. of the office to which he had been appointed, the young man having charge of them refused to surrender upon the first summons; and upon a passionate inquiry from Hocker, as to his authority for withholding the papers, the youth calmly replied, "just the same which you had to withhold the Lincoln poll-book." Sir, I should like to know, I think it would be beneficial to this nation to ascertain, the motives and principles of one of the departments of this Government, which led to the appointment of a man to hold a highly important office, who, but for the constitutional provision against *ex post facto* laws, would, in all human probability, have been a penitentiary convict at the date of his appointment. I would have the committee examine and re-examine the recommendations and correspondence relative to the appointment of Hocker. [Here a gentleman near Mr. U. suggested, in an under tone, "that they were probably burnt up by the fire last night."] Mr. U. continued. I hope not, sir. When I reached the conflagration, that part of the building appropriated to the use of the General Post Office was so far uninjured as to admit free access to the interior of it without danger, and there was ample time to have secured all important papers. I trust, sir, there has been no destruction of any which relate to removals from and appointments to office. These papers, if thoroughly scrutinized, will, I apprehend, exhibit combinations of depravity which would startle a confiding, unsuspecting people, and call into active operation that vigilance, that perpetual vigilance, without which knavery is destined to triumph over honesty, and liberty to fall under the machinations of tyrants. Sir, I desire that the committee should examine all the correspondence in each of the departments relative to removals and appointments. I want to know whether the Jeffersonian rule, "Is he honest, is he capable, is he faithful to the constitution," governs the departments in making appointments; or whether this be the rule now practised on: "Is he a voter, how did he vote, and how many votes can he control in all future contests for power?" You may suppress this inquiry if you dare; but, sir, unless the American people have utterly lost that character which brought their fathers through the storms of the Revolution, they will ultimately bring to light the hidden secrets of all your departments.

There are other objects to which a committee of investigation could and should turn their attention. During the last session, a member from New York [Mr. Hunt] was placed at the head of a committee, raised by the order of this House, for the purpose of inquiring into the speculations made in the public lands by members of Congress, and the facilities afforded them for that purpose by the deposite banks. He was unable to go through with the investigation, and asked further time, which was refused. Now, sir, the committee appointed, if the original resolution is adopted, can ascertain a great many facts in regard to the public lands, and the speculations carried on in them, which may have a very important influence upon the deliberations and legislation of this House. They can ascertain at the Land Office the quantity of acres sold to each individual and company for the last two years, and when each sale was made. They can ascertain the names of the purchasers, and then they can ascertain what sums of money have been loaned to these purchasers by the deposite banks, and when the loans were made, provided the officers of these banks do not say to them, "that is none of your business." Thus, sir, a committee, by going properly to work, can obtain from the records of one department and the books of the deposite banks all the information necessary to elucidate the subject of inquiry confided to the committee of which the gentleman from New York [Mr. Hunt] was chairman; and, by so doing, avoid wounding the delicate sensibility and fastidious honor of certain witnesses, who might refuse to answer certain questions, if called to testify.

From the Land Office the committee might pass over to the Treasury, and ascertain how much gold and silver had been there deposited to pay for lands, and in whose favor Treasury certificates of deposite were issued, and the amount of each. Thus, sir, the whole operations of our land system, for the last two years,

might be developed in a report, pregnant with useful facts, and leading to important consequences in our legislation.

I shall say nothing more, believing, as I do, that if the suggestions made are not sufficient to satisfy this House of the propriety of raising a committee, and vesting it with unrestricted powers to examine the departments, all else will fail to have the desired effect.

Mr. LANE rose and moved an adjournment, but gave way to

Mr. BRIGGS, who, on leave, submitted a resolution, giving the Committee on the Post Office and Post Roads power to send for persons and papers, in investigating into the causes of the burning of the Post Office building. Mr. B. explained that the resolution was offered to supply a defect in the one adopted on the same subject that morning. The resolution was concurred in *nem. dis.*; and then

The House adjourned.

FRIDAY, DECEMBER 16.

PROPERTY LOST IN MILITARY SERVICE.

Mr. E. WHITTLESEY, by consent, submitted a motion that the House proceed to the consideration of bills on the private calendar.

Mr. W. said he did not wish to multiply words, but that the calendar was very long, and he was anxious to send the bills to the other House as fast as possible.

The motion was agreed to, and the House, on motion of Mr. W., resolved itself into Committee of the Whole, (Mr. HAYNES in the chair,) on the bills on the private calendar; and, on motion of Mr. W., the bill to provide for the payment for horses and other property lost or destroyed in the military service of the United States was referred to the same committee. And the committee having taken up the said bill,

Mr. HARDIN moved to amend the first section of the same by striking out the words "4th May, 1822," and inserting the words "8 h June, 1812," (extending its provisions to that period;) which amendment was agreed to.

Mr. HOLSEY further moved to amend the bill by extending its provisions to property impressed "in any State or Territory, in the existing war in Florida, or the late war with the Creek Indians."

After some debate, in which Messrs. E. WHITTLESEY, HOLSEY, HARDIN, and WHITE, participated, the amendment was rejected. And, no further amendment having been offered, the bill was laid aside, but was subsequently taken up again, the amendments concurred in, and the bill ordered to be engrossed for a third reading.

Several other bills were then taken up in committee; among the rest, a bill for the relief of the representatives of

COLONEL ANTHONY W. WHITE.

A long debate took place on this bill, principally on a motion of Mr. H. ALLEN to strike out the provision allowing interest from July 4, 1780, to the present time, on a claim for advances alleged to have been made to troops during the revolutionary war.

Mr. SMITH said it could not be otherwise than highly disagreeable to the mind of any gentleman upon this floor to feel himself under the necessity of opposing any claim that has its origin in, or that has grown out of, services rendered to the country during the revolutionary struggle for its independence. A claim of that denomination commends itself at once to our patriotic feelings; and we all are predisposed, and should be predisposed, to regard it with favor. But, Mr. Chairman, in the payment of public money to satisfy the demands of private individuals upon the Government, it is absolutely indispensable that some general principle be adopted and adhered to, and that all claimants be treated in the same manner. It would be great injustice not to do this, and would, moreover, leave our legislation very much at loose ends. Sir, there must be something strikingly peculiar in the character of that claim which can be regarded by Government or by Congress as elevated above that high merit of being just and equitable in itself. And, sir, there must be something no less singularly striking and peculiar in the character of that claim which shall be understandingly paid by the Government, or allowed by Congress, without its being just and equitable in itself. For one, sir, I am disposed to have the Government pay promptly every claim that shall come up to the character of being just or equitable in itself, and I am unwilling to have any paid that fall below this standard; and all that are paid, I would have paid upon one and the same principle, and by one and the same general rule, be that as it may, unless a positive agreement between the claimant and the Government shall constitute any particular claim an exception from the generality of private claims. That different degrees of hardship and misfortune, as well as of benefits and advantages, to individual claimants, will enter into the constitution of their different claims, is to be expected from the very nature of human affairs. But that the Government should undertake to deal out justice more nicely or equally among claimants, by an attempt to pursue their claims through all the incidental shades of merit that may be thought to distinguish some that are allowed from others that are also allowed, and to favor some over others, appears to my mind entirely impolitic, and impracticable to be accomplished, and would be more productive of inequality and complaint than of equality and satisfaction, in the distribution of the Government's allowances. Sir, I am constrained to oppose such a system, and to know but one rule of payment; and that is, to pay all demands alike that are found to be just against the Government, and to reject all alike that are not found to be of this character.

In relation to the principal or substantive part of the claim now pending before the committee, I have nothing to say. I have not myself had an opportunity of investigating its merits in this particular; but it seems to be conceded on all sides as just in itself; at least, from no quarter have I heard it objected to upon this floor. But, sir, it is to the allowance of interest for some forty or fifty years back that I do make a question, and am constrained to oppose my vote; and I ask the committee to look well to the effect of such allowance upon both the past, present, and future operations of this Government. Are gentlemen prepared to adopt a principle so momentous in its extent, retrospective and prospective, which has never yet been adopted by Congress, unless in some very few cases where it was unobserved, probably; and a principle which has been repeatedly, and I may say uniformly, repudiated by Congress, in the adjustment of claims? Where will it lead us, or where will it end? If, because this claim is just, interest is to be allowed upon that claim from its origin, then, to be just and consistent in our practice, interest should be allowed on every other claim found to be just; for justice can know no medium at which to stop in this particular. And, sir, it is not only all present claims, but all future claims, which shall be adjudged just against the Government, that should and must be so settled with interest; and this claim will be an undeniable precedent and authority for it. Nor shall we be permitted to stop here, if we would be consistent, and alike just to all. But all claims that have at any time heretofore been recognised and paid by the Government, without the allowance of interest upon them, will be as fairly and equitably entitled respectively to this same

allowance of interest by the Government, as if the principal had never been paid, or as if they were yet to be adjusted. Are gentlemen prepared to go this extent, or to involve the Government in these burdensome but inevitable consequences of the rule proposed to be adopted by this bill? Sir, consider the enormous claims still pending, denominated the French claims prior to 1800, and some of which, to say the least, are as just, perhaps, as even the claim now pending, or are alleged to be so; and are gentlemen prepared to carry out this principle of allowing interest in reference to those claims, and will they do it? Why should a different rule apply to one just claim, and not be conceded to another? If a rule of adjustment be adopted and applied to a present claim, admitted to be just, why not say it shall apply to all future and all past claims also, admitted also to be just? Because a claim has been once settled by the Government, if the settlement did not embrace all that the claimant, upon fair principle, such as the Government is now about to be made to recognise, was entitled to, the Government surely cannot refuse to go back and do the injured party that justice now. How many thousand claims will thus be revived, and upon the basis about to be established in this bill? Will gentlemen but reflect upon the strong equitable character of claims heretofore adjusted by Government, but denied the allowance of interest? When a revenue or custom-house officer, or any officer of the Treasury Department, under a misconstruction of a provision of law, has exacted of a merchant an excess of duty upon articles imported by him, and absolutely brought into the Treasury money that such merchant was not bound to pay, Congress has invariably repaid the amount wrongfully exacted, but never a cent of interest upon it. When the property of a citizen has been seized and sold by the Government for the supposed violation of some law, perhaps of a revenue law, and, upon adjudication by the proper tribunals, the seizure and sale have been disallowed and demonstrated to have been wrongful, the property of such citizen, or the proceeds of it, have been invariably restored, upon a claim therefor, but not with interest, even though years may have been exhausted in the proceedings. Could more equitable cases be conceived for the application of the rule of interest than were such cases? But, sir, it has not been adopted, because the whole proceeding and delay incident thereto have in all cases been viewed as a misfortune, and not a wrong, and for which the Government ought not and cannot, upon principles of sound policy, be considered as the responsible party. The Government, in such cases, loses the property for which it was contending and was supposed to be entitled to, while the other party recovers it, but with a loss of the use of it while in dispute. In case of a claim in the nature of a debt, long delays are often incident to an allowance. This is a misfortune for which the Government is not, and ought not to be, considered as particularly responsible. It is unavoidable, from the nature of government. The claimant himself is a constituent part of the same Government, and shares, in common with his fellow-citizens under it, of the advantages and disadvantages flowing from it. If the rule of the Government is to pay the demands justly made upon it, as soon as they are respectively established and passed through the requisite forms instituted for the security of the Treasury of the Government, it is all that can be rightly demanded of it; and the delay incident to their adjustment is a misfortune that each claimant must bear for himself, and constitutes no foundation for an additional claim against the Government. This, sir, I repeat, has been and must continue to be, I think, the established and only politic rule to be observed by Congress. Any other will lead to confusion, partialities, and injustice. Any other rule would be unjust to the Government itself.

Mr. Chairman, the claim now before us is an old claim, and its advocates allege that it is of the same denomination with those that were provided for by the funding system, of the revolutionary debts, adopted under President Washington's administration, upon which interest was allowed. If this be so, sir, it goes to establish the justice of the debt, but not the justice of the claim now set up for interest upon it. For the question arises at once, if provision was made by Government for the adjustment of this claim at that early period, why was not it adjusted, and the benefit of interest secured to it? The honorable gentleman from Virginia [Mr. CRAIG] has attempted an explanation of this delay; and if his explanation be taken, it constitutes, to my mind, the most conclusive argument against instead of in favor of this claim for interest; for it demonstrates, so far from involving the Government in fault, the whole fault to have been with the claimant. That gentleman says the claimant probably omitted to avail himself of the funding act, by which his debt might have been adjusted and interest secured upon it, if well founded, from a conviction that the promises or securities of the Government under the act would never be redeemed and paid. He despaired of ever being paid. Sir, are we then to pay interest for the delay of forty years in the settlement of this claim, because the claimant underrated the worth of the Government's promises, or misconceived the capacity of the Government to pay? With this explanation of the case, the claim for interest most certainly ceases to have any merit whatever, and should not be allowed.

It is said, in another quarter, that this case forms an exception to the generality of cases, because the Government agreed to pay interest on this denomination of claims, by the terms of the funding act. But the terms of that act embraced only such claimants as saw proper to or could avail themselves of it; and beyond this the act neither offered nor agreed, on the part of the Government, to pay interest. This claimant did not avail himself of that agreement; and the very fact that he did not is calculated to impress the mind with the conviction that something peculiar attached to the claim then, and which does not now appear, to debar it from allowance under the funding act. At all events, Mr. Chairman, there is no evidence of any laches on the part of the Government respecting this claim, to entitle it to peculiar favor. There is no proof of an unwillingness or omission on the part of the Government to pay it, after it has once been established by a compliance with the requisite formalities of legislation. And I do maintain that the same rule should be applied to it as has been applied to all other claims; which is, to pay it when established satisfactorily, and to pay nothing more on account of any delays that have been incident to its establishment. This has been the uniform rule of Government in all like cases, with perhaps an exception or two that cannot have weight; and it is the only rule that will be just or politic in practice. All hardships arising under this rule must be regarded as misfortunes, and not as wrongs; for the Government will always be just towards individuals, when its necessary requirements are complied with by them. I am constrained to vote in support of the motion of the gentleman from Vermont, [Mr. ALLEN,] and trust it will prevail. It involves a great principle, that should not be lost sight of or relaxed, under any circumstances that fall short of a positive agreement on the part of the Government to relax it, entered into at the origin of the claim that seeks to evade it.

The committee then rose and reported the bill to the House. The same bill coming up subsequently, on the question of engrossment—

Mr. ALLEN, of Vermont, moved to postpone its further consideration until to-morrow; which motion was lost.

The question then recurred on ordering the bill to be engrossed for a third reading; at which stage of the business,

Mr. MANN, of New York, asked leave to submit a motion that when the House adjourn, it adjourn to meet on Monday next.

Objection having been made, the House, on motion of Mr. M., suspended the rule, to enable him to submit the same. And the motion to adjourn over was agreed to.

Mr. HANNEGAN, by consent, offered the following resolution:

Resolved, That a select committee be appointed to examine into the condition of the steamboat navigation of the country generally, the causes of the frequent disasters in that way, and the propriety of a general law for the regulation of such navigation.

The resolution was adopted.

And then, on motion of Mr. ALLEN,

The House adjourned.

MONDAY, DECEMBER 19.

PROTECTIVE DUTIES.

The SPEAKER announced that the unfinished business of the morning hour was the petition presented on Monday last, by the gentleman from Massachusetts, [Mr. ADAMS,] from eleven hundred citizens of Boston, praying for a reduction of the duty on foreign coal, and the further consideration of which had been postponed to this day.

[There were two motions pending: first, the motion of Mr. ADAMS to commit the petition to the Committee on Manufactures; and, secondly, the motion of Mr. PATTON to commit the same to the Committee of Ways and Means.]

Mr. ADAMS said he hoped the gentleman from Virginia [Mr. PATTON] would withdraw his motion for commitment, since that part of the President's message which referred to the protective duties had already been committed to the Committee on Manufactures. He (Mr. A.) presumed, of course, that all these petitions for the repeal of duty on coal, which was one of the protected articles, would go to that committee. When this petition was last before the House, he had asked for the yeas and nays on the question of reference, and the House had decided they should be taken. He did not, however, wish to consume the time of the House in that way, and he would be glad if his friend from Virginia would withdraw his motion, and permit the petition to go to the Committee on Manufactures.

Mr. PATTON said he was not present at the time the reference to which the gentleman from Massachusetts alluded had been made, and he could not, therefore, know what views were entertained by the House in giving that direction to the particular portion of the President's message which related to protective duties. If he (Mr. P.) were satisfied that it was the intention of the majority of the members of that House to dispose of the matter as had been indicated by the gentleman from Massachusetts, he (Mr. P.) would make no further question; but he apprehended such was not the intention of the House. There was so intimate a connexion between the subject of the protective system and that of the revenue system of the country, that there did not appear to him any absolute ground of preference for sending the subject to the one committee, and not to the other, except in so far as gentlemen were favorable to the tariff system, or inimical to it. It appeared to him that no one item of our tariff system could be touched, which was not to be supposed, directly or indirectly, to operate favorably or unfavorably upon the manufacturing interests. So, also, there was not one subject of manufacturing interest which was not supposed to act favorably or unfavorably on the question of revenue.

For himself, he considered that all that portion of the President's message which related to the reduction of duties was to be viewed in connexion with the existing state of our revenue. The object he had in view was, that the House might know, in touching the tariff system, how the revenue of the country would be affected. He considered the authority of the Government to interfere with the subject of imposts as extending only to the authority to raise revenue for the support of the Government; and, entertaining these views, he could not consent that the petition should go to the Committee on Manufactures.

Mr. CAMBRELENG expressed a hope that, after the debate which had taken place the other day, the time of the House would not now be consumed in discussing a similar question. By the result of that debate, this subject had been brought under the consideration of both committees; of the Committee of Ways and Means as a question of revenue, and of the Committee on Manufactures as a question of protective duty. It struck him, however, that, in the present instance, the House should not depart from its custom of referring these petitions to the Committee of Ways and Means.

Mr. C. was understood to allude to certain memorials on this subject, which had been referred to the Committee of Ways and Means, one of which was now before it. By a standing rule of the House, (proceeded Mr. C.,) it had been made the duty of the Committee of Ways and Means to report on these subjects of the revenue; and at every session of Congress petitions and memorials of a similar character had been referred. He did not wish to intrench on the duties of the Committee on Manufactures, but he hoped that, as a matter having natural reference to the revenue of the country, the memorial would be referred to the Committee of Ways and Means.

Mr. ADAMS said that he should not have uttered one word further on this subject, if the chairman of the Committee of Ways and Means [Mr. CAMBRELENG] had not intimated that the usual course had been for the House to refer these memorials to the Committee of Ways and Means. It had been the usual course of the House to refer them to the Committee on Manufactures quite as much as to the Committee of Ways and Means; and, at the very last session of Congress, petitions and memorials, and a proposition or resolution offered by the gentleman's colleague, a member of the Committee on Manufactures, had been referred to that very committee; therefore, so far as precedent went, the House had referred the subject to the Committee on Manufactures as well as to the Committee of Ways and Means. The petition now before the House was one which he (Mr. A.) had had the honor to present, not from his immediate constituents, but from his neighbors of the very next district. They had called upon him to present it, and he had done so. It was a petition for the reduction of the duty on foreign coal. He hoped the House would refer it, according to the principle which the chairman of the Committee of Ways and Means had himself laid down for its reference; that was to say, precedent.

At the same time, it appeared very immaterial to him, after the reference which had been made of so much of the President's message as relates to the protective system, whether the petitions were referred to one committee or the other. Both committees, he presumed, would have the power to take up these petitions, to consider whether or not they had been referred to them under a general reference. But the very essence and quintescence of the question for the reduction of duty upon coal was a question of protective duties. Set aside the mere fact that the duty upon coal was made for the protection of the domestic industry of the country, and there would be no question at all to decide upon. There was

not an article in all nature upon which there was a more unanimous opinion that the duty ought to be repealed, setting aside the question of duty. It was, therefore, essentially a question of protection, and not of duty.

Mr. McKEON said that the city he came from was deeply interested in this question. At this very moment, while we were debating the question of protection, the poor throughout this nation were suffering from this policy of protection. He was anxious the repeal should be made this session, and, to whatever committee it might be sent, that we should have a report and a decision of this House. The city of New York had for years petitioned on this subject, and yet nothing has been done to relieve them from this oppressive tax. The subject had been referred to the Committee of Ways and Means; it likewise had been in the charge of the committee; but yet, sir, nothing has been done. What I desire is, that some action should be had; that this matter shall not be tossed about from year to year, from committee to committee, without any result. The people, the suffering people, demand a decision. I am willing that it should be committed to the Ways and Means; it properly belongs to that body. If the position assumed by the distinguished gentleman from Massachusetts be correct, he will drag within the extended circle of his jurisdiction every matter in the tariff. The proposition on the reduction of the duty on bread stuffs, introduced by the gentleman from Pennsylvania, should be sent to the Committee on Manufactures. This was not a question of protection, but of revenue. It was a question of taxation; whether exclusive legislation for the benefit of the few, at the sacrifice of the rights and comforts of the many, shall be continued; and, in that point of view, he wished the subject to be sent to the Committee of Ways and Means. We have millions overflowing our Treasury, and it became that committee, not the committee on protecting manufactures, to inquire how one could be reduced. The poor of the country were on the one side, and those to be protected on the other; and, for one, he wished to relieve the consumers from this tax.

Mr. HARPER was understood to say that he did not agree with the gentleman from New York, that this was altogether a question of revenue. Mr. H. alluded to the immense amounts of money which had been invested in this branch of domestic industry, (the coal mining,) under the belief that the protection which had been promised would be faithfully carried out. If the country was laboring under any evil from the want of an adequate supply of this necessary article, it was not because there was not an abundance of it in the country, provided the necessary time were given. Up to the year 1834, a sufficient number of purchasers could not be found to take up the supply which had been furnished. A single company alone, in Pennsylvania, had had great quantities lying over for want of purchasers.

From that time to the present, the demand had greatly increased; but, even during the last year, a great number of vessels had been employed in carrying coal to find a market. And if this market were thrown open to foreign competition, all these persons would be thrown out of occupation. To what committee, then, could the petition be so appropriately referred as to the Committee on Manufactures? From the Committee of Ways and Means (said Mr. H.) we can look for nothing but an adverse report. He hoped the subject would go, where it properly belonged, to the Committee on Manufactures. They would take into consideration the immense sums invested, as well as the labor of the vast number of hands employed in the trade. He saw no reason why this branch of domestic industry should alone be singled out, and he hoped that each branch would be made to bear its proportion of any reduction which might be considered requisite.

Mr. GIDEON LEE said it appeared to him immaterial to which committee the petition was referred; because the Committee of Ways and Means had certain duties to perform, and those duties involved this very question. To the Committee on Manufactures had been specially referred that portion of the President's message which related to protective duties, and in that portion of the message this article of fuel had been specially mentioned. But, as an apology to the Committee on Manufactures for the vote he was about to give, he would say that, at the last session of Congress, he had offered a resolution for the repeal of duties on foreign coal. He had moved its reference to the Committee of Ways and Means, but it was referred to the Committee on Manufactures, which committee did him the courtesy to discuss that resolution; and, if he remembered right, there were seven against a repeal of the duty; there was one qualified vote, and one vote for a repeal. In reference to his constituents, who consumed one and a half millions of dollars worth of this necessary article, no less necessary than bread, he would say this was a most important subject. He voted for the reference to the Committee of Ways and Means, because he expected from them a more rational, humane, and just report.

Mr. REED said that the object to be attained by the reference of these petitions was, to refer them to that committee, whichever it might be, who would furnish the House with more minute information than the members were supposed to possess. He took it for granted that they were all in favor of repealing the duty on foreign coal, wholly or in part, if it could be done without injuring any of the great interests of the country. The question presents itself: was the House prepared to repeal it? In what way would it affect the interest of the country? And this question he considered the Committee of Ways and Means were not prepared to examine. We were bound to refer all subjects to a committee that had charge of the particular interest to which they referred. He presumed there was no gentleman in that House who would pass a law which would destroy our coal mines.

He was desirous to have all the information which could be procured; and to whom should they look for it? The Committee of Ways and Means were prepared to show that the revenue of the country was abundant, without the duty on foreign coal. But was the House prepared to repeal it? It was necessary, before they advanced a step towards that measure, that they should ascertain what would be its effect on the great interest of the producer; and, to accomplish that object, the petition ought to be referred to the Committee on Manufactures, or some committee that would examine the subject fully, in all its bearings.

Mr. CHAMBERS, of Pennsylvania, said that if the rules of the House, defining the duties and powers of the committees, were to govern them, then he should say it was the duty of the House to determine this question by them. That which he termed the appropriate duty of the Committee of Ways and Means was to consider the ways and means of raising revenue. It had not been pretended that this question was to be considered at all with any reference to the raising of revenue. The revenue was more than abundant. Those who presented themselves to the consideration of this House asked for a reduction of duty. They asked not for the raising of revenue, but for its diminution. How, then, did the case present itself to the House? The gentleman from Massachusetts had asked a reference of the petition to the Committee on Manufactures; but it had been objected to that reference, that it should go from the committee having charge of the subject to the Committee of Ways and Means. He (Mr. C.) would say that the Committee on Manufactures was the appropri-

ate committee; for the only question for the consideration of the committee was one of protection—of manufacturing interest; for coal was a manufacturing interest. The value of coal in the mine was but a secondary consideration; the value and the labor employed in digging and transporting it to market were the great objects of consideration. It was, therefore, a part of our manufacturing interest, and the question was to be considered in reference to that.

The duty now existing was not a duty for revenue, but of protection; and he trusted that the House, if it regarded its own rules, if it regarded the very interest represented in that memorial, would send it to the Committee on Manufactures, as the appropriate committee.

Mr. DAVIS said that it was he who had moved the postponement of the consideration of the memorial to the present day; and the object which he had in doing so had not, he regretted to say, been yet obtained. He was anxious that the States and Territories might be called for petitions and resolutions; the new States, west of the mountains, had not yet been called for resolutions; and although he did not wish to procrastinate the action of the House on this memorial, yet he must move a further postponement.

The new States, although in a minority, were yet entitled to rights in that House; and if they were put off until the end of the session, by the discussion of mere questions of reference, which were of no kind of importance now, because the subject had been already referred, they would not have an opportunity to bring any subject before the House. He hoped that the old States would act in a more liberal manner, and would give the new States a chance to be heard. He moved to postpone the further consideration of the subject until Monday next. And the question on the motion to postpone was taken, and decided in the negative: Yeas 72, nays 89. So the motion to postpone was rejected.

The question then recurring on the motion to refer,

Mr. CAMBRELENG addressed the House in reply to the remarks of Mr. REED, and proceeded to contend that the memorial was one which properly came under the jurisdiction of the Committee of Ways and Means. Mr. C. alluded to the great amount of information which was at present in the possession of that committee; an amount, he said, which would astonish the House when laid before it. The importation of coal had trebled within three years, and the increase in its consumption had been immense. He held in his hand a petition, signed by 8,000 persons in the city of New York, asking for a reduction of the duty on coal; and it was because that duty was not wanted for revenue that its reduction was asked. He hoped that the petition of these poor shivering people, who were suffering from the inclemency of the season, would be taken care of by the member from Massachusetts, [Mr. ADAMS.]

Mr. DENNY said that the gentleman from New York, [Mr. CAMBRELENG,] with a view to give such a direction to the memorial as he desired, wished the House to believe that the Committee of Ways and Means were in possession of information such as was not in the knowledge of any other members of the House. Now, although that gentleman might be in possession of information relative to the importation and consumption of coal in the city of New York, there was other information, equally important, in possession of the Committee on Manufactures, which was not in the possession of the Committee of Ways and Means. He believed that these memorials were not the spontaneous call for a repeal by our citizens, but that they were set on foot by the emissaries of foreign monopolists, the owners of the Nova Scotia coal mines, &c., which were owned in great part by citizens of New York. He wished to have all the information that could be procured. He did not wish this House to be troubled with memorials, got up by foreign nations. He did not say that these memorials now before the House had such an origin; but he knew that such agents had been instrumental in bringing this subject before Congress some years past. In all that the chairman of the Committee of Ways and Means had said, he was influenced by his constituents; and it was his (Mr. D's) wish that the memorial should be referred to the committee which had heretofore taken charge of questions of protection. That committee was the Committee on Manufactures.

Mr. INGERSOLL said that there seemed to be peculiar circumstances connected with the proposed reduction of the duty on coal, which it was proper to bring before the consideration of the House, and which, he believed, had not as yet been brought before it. He believed that the Committee on Manufactures was the proper committee. The evil which was complained of, and which it was alleged ought to lead to the reduction of duty on foreign coal, was a temporary evil. It was not generally known, and yet it was true, that there had heretofore been a redundancy of coal from the mines of Pennsylvania; and that, in consequence of that redundancy, the article had sold particularly low. This was the first time that there had been a deficiency, and this it was that had occasioned the high price in market. The House then was legislating on an emergency, which might contribute to erroneous legislation, if all the circumstances were not taken into account. This was one consideration which should operate in the settlement of this question of reference. The coal capitalists were sufferers, and not gainers, by the present state of things. They had sold their coal; and now, when it was at high prices, they (that was to say, the manufacturer or developer of the coal) must suffer. They had supplied the community with coal at the former prices, whilst those who had received them in Boston, New York, or elsewhere, had put their own prices on the article. This would show that the whole subject required particular investigation, and that it would not be proper to decide upon it without referring it to a committee who would look to it in all its aspects as a question of general reduction.

On another day it had been remarked by a gentleman from South Carolina [Mr. PICKENS] that the compromise which had been made here a few years ago was to be honorably preserved; and he (Mr. I.) believed that no one desired to interfere with it. How could a proper knowledge be acquired of the redundancy or deficiency of revenue? How was the fact to be ascertained? In the first place, by the Committee of Ways and Means, who had the subject referred to them; and let the general subject of reduction be considered and reported on by them. But when you come to particular articles, when you come to ascertain whether the article of sugar in Louisiana will bear a reduction without sacrificing the interests of that State, where should such a subject be referred? Where can the particular information, which is requisite to proper legislation, be procured, except from those who are conversant with the particular article under consideration? Mr. I. applied this argument to the articles of iron, salt, bread stuffs, &c.

In conclusion, Mr. I. said that the committee which possessed the best information was the committee most competent to take charge of the memorial. With this view, he was in favor of reference to the Committee on Manufactures.

Mr. BOON said that if this was a subject of protection, he would vote with the gentleman from Massachusetts; but this was the first time he had ever heard that coal was an article of manufacture. He had always thought that it was given by the bounty of the God of nature, as the water that flows from the Alleghany to the Mississippi; and if this monopoly was to be kept up,

by continuing to raise a revenue on coal, loss must fall on the manufacturers of the country, for their operations were mostly carried on by coal. No evil could result to them, even to say nothing about the poor. But how were they suffering? Look at the poor of Washington; wood six dollars a cord, and coal proportionably high. The duty on coal constitutes a monopoly. He was in favor of reference to the Committee of Ways and Means; and when the question should come up he would vote to take off the duty as well from coal as from salt.

The question was then taken on the motion of Mr. Adams, to refer the memorial to the Committee on Manufactures; on which motion the yeas and nays were taken, and were: Yeas 88, nays 124.

So the motion of Mr. Adams was negatived.

And the question was then taken on the motion of Mr. Patton, to refer the memorial to the Committee of Ways and Means, and was decided in the affirmative.

STEAMBOAT ACCIDENTS.

Mr. STORER offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire what legal enactments are necessary by Congress to prevent accidents on board of vessels navigating the waters of the United States by steam, and for the punishment of the commanders, pilots, and engineers of such vessels, who may be guilty of wilful misconduct or neglect in the navigation thereof.

Mr. HANNEGAN said, if he understood the English language at all, his resolution covered every possible case which might arise; at least he intended it to do so. He was aware that the Committee on the Judiciary might be the most appropriate standing committee of the House to which to refer the subject; but he was aware, at the same time, that, from the great mass of business before that committee, it perhaps would not be able to pay so much attention to the subject as a select committee would; and for that reason, and that alone, he had asked for a select committee. If the resolution of the gentleman from Ohio should be adopted, Mr. H's resolution would be nullified. He had no disposition to place himself in a more conspicuous position, but he thought the resolution he had submitted would cover every case. He therefore hoped the gentleman would withdraw his resolution.

Mr. STORER only wished to bring the subject before the committee in some tangible form. He wished the examination to extend not only to the bursting of boilers of steamboats, but to accidents from racing, and all accidents from the carelessness of pilots. He then modified his resolution, so as to refer the subject to the select committee, instead of the Committee on the Judiciary; and, so modified, the resolution was agreed to.

WEST POINT ACADEMY.

The following resolution having been moved by Mr. Hannegan—

Resolved, That the select committee appointed to investigate the affairs of the West Point Academy be authorized, by themselves or a sub-committee, to visit the Academy, for the purposes mentioned in the resolution under which they were appointed.

Mr. D. J. PEARCE said he hoped some reason would be assigned for the adoption of this resolution. If any member of the committee would state that such a step was necessary to the successful prosecution of the investigation, he (Mr. P.) was willing that the resolution should be adopted. But it struck him that all the information to be derived from this proposed visit, with the exception probably of an inspection of the building itself, could be got at the office of the chief engineer, established in this city. The whole history of the institution, the number of students, and the mode of their appointment, were matters of record. Under these circumstances, he did not see the necessity for the visit, but would give way if any such could be made to appear.

Mr. HAWES said that, at the very first meeting, he believed, which the committee had held, when all the members save one were present, it had been unanimously agreed that, in their opinion, it was necessary to pursue this course. Take it on what ground you please, on the score of economy, or any other ground that the imagination could conceive, this, according to his notion, was the proper course. He said thus much as the organ of the committee, and left the House to determine the propriety of the measure.

Mr. D. J. PEARCE said that he felt sorry, after the gentleman's explanation, that he must still vote against the resolution. It was nothing to him (Mr. P.) whether the committee were unanimous or not. He had not yet heard a reason for the visit, and the House certainly must have some reason to act upon.

Mr. LANE was in favor of the adoption of the resolution, because he thought that if the committee visited the institution they would return with the conviction that it constituted one of the brightest ornaments of our country.

Mr. JARVIS thought the House had had enough of travelling committees. With a view to avoid loss of time in a useless discussion, he moved to lay the resolution on the table.

Mr. GRENNELL asked for the yeas and nays on that motion; which the House refused to order.

And the question was then taken, and decided in the affirmative: Yeas 87, nays 54.

So the resolution was laid on the table.

ABOLITION MEMORIALS.

Mr. DAVIS offered the following resolution:

Resolved, That all petitions, memorials, remonstrances, or other papers, which may be offered during the present session, in any manner relating to the abolition of slavery, or the slave trade, in the District of Columbia, or any of the Territories of the United States, shall, on presentation, be laid upon the table, without reading, without being ordered to be printed, and without debate.

Mr. REED did hope this resolution would not be agreed to, for he thought it better to allow these memorials to take the usual course. It was better for the purpose of allaying the excitement on this subject; better for the North as well as for the South.

Mr. CALHOUN, of Massachusetts, moved to lay the resolution on the table; which was agreed to without a count.

WESTERN HOSPITALS.

Mr. REYNOLDS, of Illinois, submitted the following:

Resolved, That a select committee be appointed, to take into consideration the subject of establishing commercial hospitals on the Western waters.

Mr. WHITTLESEY, of Ohio, inquired if this subject had not been already referred to the standing Committee on Commerce; and if they had not at this time the matter under consideration, the better course would be to send this resolution to that committee.

Mr. REYNOLDS remarked that he could scarcely expect to succeed against the motion made by his friend from Ohio, [Mr. Whittlesey.]

[Mr. Whittlesey stated that he made no motion, but only suggested as above.]

Mr. R. said that this was a subject of great importance to the majority of the people of the West; and on that consideration he moved the resolution, and hoped it would pass. The Committee on Commerce were all taken from the Atlantic States, and of course were not as fully acquainted with the facts and necessities of the people as those who live in the West. The Committee on Commerce, it was true, had this subject before them;

but nothing was done on the subject. He hoped something would be done this session. Hospitals in proper places in the West would do great service to a very worthy class of citizens.

Mr. GILLET replied that a bill had been reported from the Committee on Commerce at the last session, embracing the object contemplated in the resolution, but had not been acted upon.

After a few words from Messrs. REYNOLDS, LANE, BRIGGS, and VINTON, on motion of the last gentleman, the resolution was referred to the same committee which had the bill in charge, viz: the Committee of the Whole on the state of the Union, by a vote of 73 ayes, noes not counted.

A great number of resolutions were submitted to-day, by different gentlemen, all of which, were appropriately referred.

And then the House adjourned.

TUESDAY, DECEMBER 20.

PROPERTY LOST IN THE MILITARY SERVICE.

After the reception and disposition of sundry resolutions,

On motion of Mr. E. WHITTLESEY, the House suspended the rule for the purpose of taking up the bill which had passed through Committee of the Whole on Friday last, entitled a bill to provide for the payment of horses and other property lost or destroyed in the military service of the United States. The question being on its final passage,

Mr. A. MANN rose to inquire whether the bill embraced, or was intended to embrace, all the cases of horses or other property lost in the military service of the United States, from the day of the declaration of independence up to that time; or whether its operation was confined to any particular period. It could not be unknown that a vast number of claims had been presented to the United States for horses destroyed, and which had been adjudicated favorably or unfavorably; a large number unfavorably, from the want of proper evidence to support them. He wished to inquire whether it was intended to open all these cases anew? He would admit that the principle of the bill was correct; but if its operation was not limited to some particular period, he would be under the necessity of voting against it.

Mr. E. WHITTLESEY said that, in reply to the gentleman from New York, he would remark that, when the Committee of Claims presented the bill, its operation extended only so far back as the year 1822. The last act which had been passed on the subject was in reference to horses destroyed during the Seminole war, and it was thought proper by the Committee of Claims to embrace all other claims, from the date of that act to the passage of this.

The gentleman from Kentucky, [Mr. HARDIN,] when in Committee of the Whole, moved to amend the bill by striking out the act of 1822, and inserting the act of June, 1812. This amendment was agreed to by the committee, and subsequently concurred in by the House; so that the operation of the act, as it at present stood, extended back to June, 1812.

So far as related to the other inquiries made by the gentleman from New York, whether it was intended to embrace cases already passed upon, he (Mr. W.) would answer, that the bill embraced only that class of cases which had either been heretofore embraced in general laws, or had been heretofore recognised by general legislation. There was not a single new case embraced in the bill; but the object was to transfer to the proper accounting officers of the Department that labor which had heretofore been performed by committees; by which means, the parties applying for redress would obtain it without the slow process of the legislation of Congress.

Mr. W. thought that if the gentleman would read the bill with care, he would be satisfied that there was no one case contemplated in the bill which would not merit that gentleman's support, if brought singly before the House.

Mr. MANN said that if the chairman of the Committee of Claims [Mr. E. WHITTLESEY] was satisfied that the bill had reference only to such cases as ought to be embraced, and as it was usual to bring before that committee, he (Mr. M.) had no objection to vote in favor of it.

And the question "Shall the bill pass?" was then put, and decided in the affirmative.

So the bill was passed.

Numerous petitions and resolutions were offered to-day; after which, the House, in pursuance of its order of yesterday, went into the election of

CHAPLAIN.

When, on the third ballot, the Rev. Mr. Comstock received 103 votes, (102 being necessary for a choice;) and the Rev. Mr. Slicer received 89 votes.

So Mr. Comstock was declared duly elected chaplain.

And, on motion of Mr. GRENNELL,

The House adjourned.

WEDNESDAY, DECEMBER 21.

TENNESSEE LAND BILL.

Mr. DUNLAP asked the consent of the House to go into Committee of the Whole on the state of the Union, on the "bill to amend the act to authorize the State of Tennessee to issue grants of land in certain cases," (commonly called the "Tennessee land bill.") He would barely remark that he hoped he should get the assent of the House to this motion, since the bill in question had received the favorable report of a committee of that House as long ago as the year 1825, and it had been before the House from that time to the present.

Mr. HARDIN objecting,

Mr. DUNLAP moved a suspension of the rule; but the motion was lost, without a division.

SURPLUS REVENUE.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the first congressional district in the State of North Carolina, have for years past been accustomed to regard the action of the Federal Government with great anxiety. Your petitioners have forborne to urge their just claims for such appropriations for public works in their immediate neighborhood as fall within the peculiar province of the General Government, trusting to the tardy justice of Congress.

They have regretted to see appropriations of the public money not equally distributed with a view to the general benefit.

Your petitioners have viewed with great satisfaction the bill of the last session regulating the deposites of the public money among the several States. They regard this measure as the safest disposition of the national treasure, as best calculated to avoid all unjust, unconstitutional and partial appropriations of the common fund. They therefore pray that provisions similar to that contained in the deposite bill of the last session may become the law of the Union for several succeeding years.

Mr. W. B. SHEPARD, on presenting the above petition, made the following remarks:

Mr. S. said the petition was signed by very respectable individuals in the district which he had the honor to represent, and he was desirous of adding his testimony

to theirs. The petitioners (said Mr. S.) approve of the deposite bill of the last session, and pray Congress to re-enact a similar measure. They suppose that, until 1842, when the tariff will come before Congress for readjustment, there can be no better disposition of the unavoidable surplus in the Treasury than to put it in the custody of the people. Mr. S. said he had been astonished at the manifest attempt to paralyze the deposite bill of the last session, and to make it unpopular with the people. He trusted all such attempts would fail, and that there would be sufficient good sense left with the people not to sacrifice their real substantial interests to mere party clamor. Individually believing an annual distribution of the surplus revenue, for several years to come, the only possible mode of checking the downward path of this Government, he would proceed to state to the House his reasons for that belief.

I do not (said Mr. S.) regard the plan of distributing the public funds as merely placing so much money in the possession of the States; if that were the limit of its benefits, it would be a matter of minor importance. I regard it as a policy pregnant with the most lasting and extensive political consequences. It is a fact, apparent to every body, and one which all admit but the most obdurate political hacks, that the public mind is now, and has for years been, in a state of dangerous and unhealthy excitement. Through the stimulants which are daily and hourly applied to the people by a most inflammatory public press; through official documents, made with no view of elucidating the truth, but merely to flatter and cajole the community, we are passing from one excitement to another, until the voice of soberness and truth will be banished from the land, as utterly beneath the attention of this chivalrous and high-minded people, who act as if they were privileged by Heaven to commit all sorts of follies, without the fear of retribution. Hence it is, whilst this nation has advanced with unprecedented rapidity in individual and social improvement, her political condition has become most degraded and corrupt.

That these evils have been brought upon the country by the present administration has frequently been asserted in the two Houses of Congress, and the sentiment has been so often resolved to be true in political meetings of the people, that it requires some hardihood to doubt its correctness. In attributing to General Jackson, exclusively, such important results, we degrade the mass of the community; we mistake the effect for the cause; we do not go to the source of our disease; we attribute to one man what has been produced by the folly and indiscretion of thousands. Never having been either the flatterer or the reviler of the present Chief Magistrate, I hope I may be excused when I say that he is but the *projectâ algâ* of the present disturbed and agitated pool of politics.

Whence is it that this state of things should exist? Are the people less virtuous than formerly? Are they less capable of protecting their rights? No! it is because the thirst for office is insatiable; and so long as the presidency of the United States presents a glittering prize, to be reached by agitation, and by agitation alone, so long will the nation be periodically subverted from its very foundations, and the wished-for goal attained by the boldest or the meanest. The presidential election is the curse of the country; it absorbs and perverts every other consideration; it engrosses nearly the exclusive attention of both Houses of Congress, and gives a false coloring to every thing. To its pervading influence is to be attributed nearly every thing that is vicious in our system.

An honorable member from New York, [Mr. Cambreleng,] who occupies a distinguished party stand on this floor, in excusing the little progress made during the last session by his political friends in reform, asserted that, during the pendency of the presidential election, no system of reform could be perfected; and yet, sir, when an honorable member from Virginia [Mr. Wise] attempted a few days ago to probe the rottenness of this administration, we heard the most doleful and pitiable lamentations upon the horrible cruelty of disturbing the retirement of the greatest and best of men. I would be glad to know when this House expects to be relieved from that degrading incubus which touches every thing, and defiles every thing with its touch. I have been a member of this body for several years; I have seen no question, from the political tariffs to the printing of the most paltry trash distributed by this House, which has not been discussed and decided with a view to the presidential election. So much is this generally the case, that strangers are puzzled to find out the subject from the discussions of the body.

It was for these reasons that I rejoiced to see the deposite bill of the last session. I think it will establish a new era in this country; it will eventually open the eyes of the people to their real and substantial interests; it will allure the mass of the community from idle and abstract political disquisitions, which are of no use, and induce them to regard this Government as a practical thing, intended for some useful purpose, which, when it ceases to fulfil it, should cease to exist.

It is, moreover, the only possible mode in which any thing like reform can be introduced into the Augean stables at Washington. Ever since that stupendous fraud which was so successfully played off before the people in 1826, commonly called the report on reform, we have had repetitions of the same farce before the same credulous audiences, only under different names, with the characters recast, and the phraseology somewhat changed. Sometimes it has limped over the stage in the modest and harmless garb of a report on executive patronage; anon it comes sweeping by in a presidential message, with a grandiloquent attempt to amend the constitution. And yet, amidst all these patriotic aspirations to remedy dangers which all have admitted at some stage or other of their political advancement, the abuses of the Government have increased and are increasing, and it seems they cannot be diminished, whilst the expenses of these abuses have swelled from about $10,000,000 in 1823, to $32,000,000 in 1836. If every branch of the public service were well administered, if there were ability in the design or vigor in the execution of the duties of the several departments, there might be some excuse for this lavish prodigality of the public treasure; the reverse, however, is notoriously the case; presidential electioneering is the only merit of your officers, and their inefficiency in their departments cesses to be remarkable, or to attract public attention.

So long as that divinity which hedges the chief magistracy of the country is protected from the rude assaults of his opponents, the delinquencies of the subordinates are unnoticed. The constitution undoubtedly intended the Chief Magistrate for the responsible head of the Government; but it never supposed his name would be a shield behind which every species of ignorance and corruption could be safely intrenched. Such, however, is the operation of this Government, arising from the ardor with which one side seeks, and the other defends, the presidential chair. The grossest mismanagement is now asserted to exist in a department indispensable to the public defence; and yet, sir, its official head abandons it in the midst of its embarrassments, not to explain or to justify his conduct, but to heap further obligations upon a credulous nation, for his important public services. The inquisitorial powers of this House, which were intended to ferret out abuses, and to awaken the attention of the people to the action of the Government, are completely neutralized and perverted by the all-per

vading influence of the presidential election. Unless a movement here can elevate or depress the presidential thermometer, it falls upon inattentive and lifeless ears.

The successful party momentarily rests from its violence when it has placed its favorite in the chair of state; and, reposing under his laurels, great patience is exhibited until his transcendent virtues shall rectify every abuse. Should the faithful be disappointed, the misfortune is attributed to the evil eye of their opponents, and the same dull round is again run over, of paltry excuses and miserable chicane.

Let, us, then, by returning annually the surplus revenue to the people, strip the Federal Government of its great attraction, and lessen its power for evil; let us give to the community some inducement to examine and narrow down the expenses of this Government to the smallest sum which can possibly serve to keep the machine in motion. Since its corruptions are incurable, let us no longer deceive the people with idle projects of reform; let us strip the reeling prodigal of the means of pandering to his appetites, and starve him to sobriety.

I sincerely believe some such plan as this is indispensably necessary to revive the chilled and slumbering affection of a large mass of the people of this country for the Federal Government. It is a fact notorious within the sphere of my observation, and one which it would be unwise to conceal, that there is no longer that ardent and lively attachment to the Federal Government which once existed; there is a large mass of discontent throughout the community—a discontent not to be removed by ejaculations of union, issuing from the pampered slaves of power, but by a fair administration of the Government. No party drill can forever proscribe the virtue and talent of a community; they will eventually burst their cerements, and expose the miserable cheat which obscured them to the contempt and derision of the world. Let not gentlemen deceive themselves by supposing that this discontent arises from the adverse political fortunes of any individual; it is not so, sir. It arises from the belief that this Government always has been, and always will be, unfairly and partially administered. Whether it be that our constitution is one of those unfortunate instruments which cannot be correctly construed, or from the unimprovable condition of the Southern country, the fact is, a large portion of the Southern people find themselves as they were at the Revolution, a proscribed and slandered people, with a Government alien to them in feeling, and administered adversely to their interests—a Government which, whilst it draws annually from an abused and derided population millions of money, yet, with a most culpable and cowardly imbecility, exposes that population not only to the insidious assaults of an implacable domestic enemy, but likewise to the open violence of a foreign foe.

Return back to those who pay the larger part some portion of the money not essential to the administration of the Government, and you may go on in your disgusting squabbles for the presidency; the people will be satisfied with this small approach to virtue;

> "If Rome be served, and glorious,
> Careless they by whom."

To the Southern country the distribution of the surplus revenue offers the only practicable mode of obtaining any share whatever in the enormous appropriations of public money which are made at every session of Congress. From the geographical position of that country, and its peculiar constitutional opinions, (which, being honestly entertained, will not be easily abandoned,) there is but little spent among its population in those public works which absorb such vast sums. The western parts of New York are indented with harbors, made at the expense of the nation; the present Vice President, although embarrassed with as many constitutional scruples as fall to the lot of most men, has had fortune buckled on his back, because the United States have most pertinaciously insisted upon making a harbor somewhere near his property. Now, sir, I do not complain of this. I rather urge it as an objection to a system which, in spite of all the honest endeavors of individuals to the contrary, has enriched and will continue to enrich them at the expense of the nation. If the surplus revenue be not distributed annually among the States, what will you do with it? The glorious work of destroying a general system of internal improvement has already been achieved; a few private jobs have alone escaped the general wreck, to keep up the flagging ardor of doubtful adherents. I know of but one objection at this time to a permanent distribution of the surplus revenue among the States; (for I cannot believe that even the dotage of this absurd administration is prepared to plunge this nation at this time into the difficulties of another tariff discussion.)

The real objection to a deposite of the money of the nation with the States arises from the extreme desire entertained by the Secretary of the Treasury and the party, of giving to the country a better currency; or, in other words, of enabling some great Bombastes Furioso to experiment upon the subject of gold.

By regulating the currency is now meant the power of transferring the public funds about the country, so as to suit the gambling speculations of those persons who have interest enough to be admitted into the secrets of the party. I believe, however, the mass of the community are now fully aware (if they were honest enough to admit it) that they have brought upon the country much pecuniary distress, and committed an egregious folly, by sustaining the many absurd attempts to improve the currency by which we have been lately annoyed.

The Bank of the United States, through its branches, operated as a great artery, by means of which the money of the nation, which was constantly accumulating in the city of New York, through your unequal commercial system, was distributed among the people of the Union; you have, however, cut off this supply; you have dammed up the money of the nation in the large cities, and unless there is an annual distribution, we in the remote parts of the country can hope for nothing but from the overflowings of their abundance. I hope, sir, I can mention the name of the Bank of the United States without destroying the composure of those gentlemen who are usually thrown into a sort of paroxysm of patriotic frenzy whenever that enemy to "life, liberty, or the pursuit of happiness," is incidentally alluded to; who cannot forgive the Bank of the United States for not having bowed down and worshipped the political Moloch of the day.

To me it is matter of great joy that, amidst the general wreck of every thing valuable in the country, there has been found one institution bold enough to resist, and adroit enough to elude, the combined attack of vulgar ignorance and desperate malignity.

I forbear discussing the objections which have been brought by the office-holders against any distribution of the surplus funds.

Some take shelter behind your tattered and degraded constitution; others are afraid of corrupting the people; and, animated with that Roman virtue so common at Washington, as true and sturdy patriots, like ancient Curtius, they plunge into the abyss and corrupt themselves.

There must be, for years to come, an immense surplus revenue—a revenue which the utmost ingenuity of the party has been, and will be, unable entirely to squander. The system of internal improvement by the Government is no more; the necessities of the times do not require large military appropriations; the tariff cannot be disturbed without great individual embarrassment, and

bringing upon the nation the charge of bad faith; why, then, should we hesitate to snatch from the irresponsible hands of the pet banks and the public officers money which does not belong to them, and which cannot be safely left with them?

We have heard for years past, on this floor, the most extravagant adulation of the people and devotion to their interests; let us give a proof of our sincerity in the only way in which it can ever be tested. North Carolina has, in common with all the States, a deep interest in this question. She is now commencing a system of internal improvement which will entail upon her vast expenses. Where is she to procure the funds? She has surrendered to the General Government the customs, the only safe and profitable mode of public revenue; let us beware how we teach the people of the South to reflect whether they have received an adequate consideration for this most liberal bequest. Let us not, by our selfishness, by our cold insensibility to their claims, open their eyes to that inconsiderate liberality which gave to such a Government as this the entire profit upon their industry and their vast natural resources.

Our institutions are based upon frugality, not only in the people, but likewise in their officers; our legislation has generated an unfortunate state of society, where the "*auri sacra fames*" controls every thing, extinguishes every generous and manly feeling, and condemns the hungry seeker after office, as well as the trembling placeman, to the humiliating confession that he cannot afford to be independent.

If there is any one characteristic in the official profligacy which now pervades this country more alarming than another, it is the universal sycophancy and want of independence in those persons who pretend to lead public sentiment, from the humblest porter at the palace to him that has or he that hopes to get an office; there is but one requisite, one criterion of merit—blind, devoted attachment to an individual. It has become, of late years, quite the fashion, in certain circles, where a hatred of the slaveholders atones for every vice, both moral and political, to speak disparagingly of the South, on account of its slave population. In my humble opinion, the poorest as well as the meanest slave that ever toiled in a Southern swamp, under a Southern sun, ay, sir, and under the lash of a legal Southern master, is an animal more to be respected, less needing the "labor of love" of your crazy philanthropists, than one of your puppet Secretaries, who is obliged to permit any man on earth, whether that man is vain enough to believe himself born to command, or a mere scullion of the kitchen, to tell him he is "free to entertain an opinion." The one, benighted in mind, is the honest and faithful servant of a lawful master—of a master by whose bounty he is fed, and to whom he is attached by the recollections of childhood and the best feelings of our nature; the other, surrounded by civilization, by liberty, and science, is a slave from choice, a prostitute from principle—a slavery worse than Egyptian bondage, for it is a slavery of the mind.

Can you tell me, Mr. Speaker, what is this thing they call love of party, which so much surpasses the "love of woman?" I have heard of the love a poet bears his muse, the adoration a lover feels towards his mistress, and the devotion of a patriot for his country; but I confess I have not sufficient knowledge of the Lex Parliamentaria to understand this love of party. Is it similar to the spirit of patriotism? Not at all! for it is a spirit hostile to the mass of the community, based upon selfishness, and leading its votaries by the hope of plunder. It is a spirit that confounds, in the breasts of the few honest who submit to its degrading influence, all just discrimination between right and wrong, and proscribes from its service all those who will not tame their nature down to do its dirty bidding.

——"For he must serve, who fain would sway,
And sooth, and sue, and watch all time, and pry into all place,
And be a living lie, who would become
A mighty thing amongst the mean; and such
Are parties made of."

It was once supposed (perhaps it was an error of our ancestors) that honor was the quickening principle of monarchies, virtue of republics; and that those who ministered to the vestal flame should at least possess a spark of its purity. Not a virtue content to dwell in decencies forever, but a virtue that regarded political apostacy equally infamous with private dishonor; a virtue too pure, united to a soul too proud of filling situations of constant uneasiness and uncertainty, of exhibiting to the world the melancholy spectacle of a high republican functionary willing to be honest, yet afraid to avow it, who, when called upon for his opinion upon matters of great national importance, in the morning said ay, sir; and at noon said no, sir. Yet these things have happened almost daily, and not excited our special wonder.*

Since, then, the seductions of your Government are too great for poor human nature, let us return to the poverty and simplicity of our ancestors; let us remove a temptation which cannot be resisted, and the road to office will again become the path of duty and of honor.

It was my intention, at one time, to refer this petition to the Committee of Ways and Means, with instructions to bring in a bill in conformity with the prayer of the petitioners. Upon reflection, I will not do so; I will let the petition go untrammelled to the committee, and whatever there may be of good issuing from them may perhaps suffice.

I prefer this course, because, of the two propositions which have heretofore been submitted to this House, I decidedly prefer the bill for distributing the proceeds of the sales of the public lands; it is less objectionable in principle, and gives equal justice to all parts of the Union. That this most just measure should have met so much hostility is to me matter of great amazement. Perhaps it owes its poor success to the misfortune of being the offspring of a justly distinguished American statesman. If the Committee of Ways and Means would have it rebaptized with some of the cant names of the day, it has merit enough to become even one of the pets of the party.

To those gentlemen who are really desirous of wresting from this Government its means of bribery and corruption, I would suggest the propriety of surrendering individual preferences, and adopting any measure which can possibly aid this holy cause, which can elevate the tone of sentiment and feeling among the people, or can give them juster views of their rights and their duties; otherwise, the reign of misrule will be a perpetual succession, in defiance of the continual stirring of the filth of Washington.

THE GENERAL POST OFFICE.

The following message was received from the President of the United States:

To the Senate and House of Representatives:

Gentlemen: Herewith I transmit you a report of the Postmaster General, and recommend the passage of such laws and the making of such appropriations as may be necessary to carry into effect the measures adopted by him for resuming the business of the Department under his charge, and securing the public property in the old Post Office building.

It is understood that the building procured for the temporary use of the Department is far from being fireproof, and that the valuable books and papers secured from the recent conflagration will there be exposed to

* Vide Ex-Secretary Duane's description of a cabinet consultation.

similar dangers. I therefore feel it my duty to recommend an immediate appropriation for the construction of a fire-proof General Post Office, that the materials may be obtained within the present winter, and the building erected as rapidly as practicable.

ANDREW JACKSON.

DECEMBER 20, 1836.

Document accompanying the President's message.

POST OFFICE DEPARTMENT,

December 20, 1836.

SIR: On the morning of the 15th instant, I performed the painful duty of reporting to you orally the destruction of the General Post Office building by fire, and received your instructions to inquire into the cause and extent of the calamity, for the purpose of enabling you to make a communication to Congress.

A few hours afterwards I received, through the chairman of the Committee on the Post Office and Post Roads of the House of Representatives, an official copy of a resolution adopted by that House, instructing the committee to institute a similar inquiry, and the chairman asked for such information as it was in my power to give. The investigation directed by you was thus rendered unnecessary.

The corporation of the city of Washington, with honorable promptitude, offered the Department the use of the west wing of the City Hall, now occupied by the Mayor and Councils and their officers, and the officers of the Chesapeake and Ohio Canal Company. The proprietors of the Medical College also tendered the use of their building, on E street, and offers were made of several other buildings in the central parts of the city. An examination was made of such as promised by their magnitude to afford sufficient room for the force employed in the Department, but none were found equal, in the commodiousness of their interior structure and abundant room, to Fuller's hotel, opposite the buildings occupied by the Treasury Department, on Pennsylvania Avenue. That building has been obtained on terms which the accompanying papers will fully exhibit. The business of the Department will be immediately resumed in that building.

The agreement with Mr. Fuller will make necessary an immediate appropriation by Congress, and upon that body will devolve also the duty of providing for the payment of the rent, if they shall approve of the arrangement.

In the mean time, steps have been taken to secure all that is valuable in the ruins of the Post Office building, and to protect from the weather the walls of so much of it as was occupied by the General Post Office, which stands firm.

The Department has no fund at command, out of which the services necessary in the accomplishment of the objects can be paid for, nor has it the means to replace the furniture which has been lost, and must be immediately obtained to enable the clerks to proceed with their current business.

These facts I deem it my duty to report to you, that you may recommend to Congress such measures thereupon as you may deem expedient.

With the highest respect, your obedient servant,

AMOS KENDALL.

To the PRESIDENT OF THE UNITED STATES.

On motion of Mr. SHIELDS, the message and accompanying documents were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

After the presentation of various petitions and memorials,

Mr. BELL, from the Committee on Indian Affairs, reported a bill to regulate, in certain cases, the disposition of the proceeds of lands ceded by Indian tribes to the United States; which said bill was passed in Committee of the Whole House, (Mr. GARLAND, of Virginia, in the chair,) and ordered to be engrossed, and read a third time to-morrow.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported bills of the following titles, viz:

A bill making an appropriation for the suppression of Indian hostilities;

A bill making appropriations for the payment of the revolutionary and other pensioners of the United States for 1837;

A bill making appropriations for the naval service for 1837;

A bill making appropriations for the support of the army for the year 1837;

A bill making appropriations for certain fortifications of the United States for the year 1837;

A bill making appropriations for the current expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes, for the year 1837;

Which said bills were severally read, and referred to the Committee of the Whole House on the state of the Union.

WEST POINT ACADEMY.

The business next in order was the motion, submitted yesterday by Mr. D. J. PEARCE, to reconsider the vote by which a resolution heretofore offered, authorizing the select committee appointed on the affairs of this institution to visit the same, for the purposes of their investigation, had been laid on the table.

Mr. WARD said he should vote in favor of reconsideration, and before doing so he wished to state his reasons to the House. He regretted that the House should have raised a select committee at all on this subject; but inasmuch as the House had done so, and the committee had been appointed, he was clearly of opinion that the House should accord to them the privileges they desired. It was the wish of the committee either that all or a portion of their number should have an opportunity to get information which they considered important to the successful issue of their investigation.

It would be in the recollection of every member of this House that this question had been brought up for their consideration for several years in succession. At one time the subject had been referred to the Committee on Military Affairs; that committee, by their chairman, presented a report, which he considered unanswerable. The gentlemen, however, who were opposed to that institution, were not satisfied with the vote then taken, and had brought the matter before Congress every session, and at length a select committee had been appointed, not only to inquire into what they alleged to be abuses, but into the expediency of abolishing the institution altogether. That committee had made what he had no doubt was a very able report, but it had never been printed. It had been suggested to him that if that report was printed it might possibly throw all the light upon the subject that was necessary.

He, for one, was entirely willing to indulge the committee in their request, because he was of opinion that, however prejudiced the gentlemen composing it might now be against that institution, when they gave to it a personal examination they would return to this House with very different impressions, and that they would be entirely satisfied that it was an institution which ought to be sustained by the country. With this view it was that he should now record his vote in favor of the motion for reconsideration; and that, if that motion prevailed, he should then vote for the adoption of the resolution. The members of that House all knew that,

for several years past, the federal Executive had selected gentlemen as a board of visiters to examine into that institution, amongst whom there had been some who were strongly prejudiced against it; and yet he believed that, with one exception in the case of a gentleman from Ohio, not one of these visiters, after that examination, had raised his voice against the Academy. He (Mr. W.) would not detain the House with any general observations at this time, but he took this opportunity to state that one of the most distinguished officers of the army of the United States, alluding to this institution in the course of a conversation with him, (Mr. W.,) had made the remark, "that it was his opinion that the institution was better calculated to keep alive the military spirit of the country than any other that existed; and that he would rather himself leave the service forever, and see the army disbanded, than he would see that institution abolished."

But it struck him (Mr. W.) that the officers of the army would have great reason to apprehend that they were not the favorites of Congress, judging, at least, from the course which Congress had pursued towards them for several years past. At a previous session, when a bill was brought in to equalise the pay of the officers of the army and navy, it had been expected that the bill would become a law; but, instead of that, a bill passed to increase the pay of the officers of the navy only, leaving out the officers of the army, and thus discouraging the latter from believing that they had any thing to expect at the hands of Congress.

The principle of equalising the pay of the army and navy (said Mr. W.) was both just and equitable; and the passage of such a law would have been attended with the best consequences to the officers of both these branches of the service. Their pay being equal, they would be able to act on duty together without any lurking feeling of injustice or jealousy; and he hoped that, at no distant date, such a bill would receive the approbation of Congress.

In conclusion, Mr. W. remarked that, as he had heretofore raised his voice in favor of the Military Academy at West Point, and as he had not the slightest apprehension as to the result of any scrutiny into its affairs, he was willing that the committee should go there. He believed that their visit would be productive of good; and he would tell them now, that if they should discover any abuses, he would go all lengths with them in the work of reform. But the abolition of the institution was an idea which he could not for a moment entertain.

Mr. JARVIS said he did not rise to enter into any debate, his object being rather to arrest it. He might have a few words to say hereafter, but he moved now to lay the resolution on the table.

Mr. VANDERPOEL said that, as all the attraction seemed at present to be in the other end of the building, he would move for a call of the House; and, on that motion, he called for the yeas and nays; which the House refused to order.

And the question on the motion for a call of the House was then taken, and decided in the negative. So the House refused to order the call.

Mr. VANDERPOEL then called for the yeas and nays on the motion to lay the resolution on the table; which were ordered, and, being taken, were: Yeas 86, nays 77.

So the resolution was laid on the table.

EXECUTIVE ADMINISTRATION.

The House resumed the consideration of the resolution heretofore offered by Mr. Wise, proposing the appointment of a select committee to inquire into the administration of the executive departments, together with the amendment offered thereto by Mr. D. J. Pearce, proposing to confine the inquiry to specific acts of male-administration.

Mr. LANE addressed the House for upwards of an hour, in opposition to Mr. Wise's resolution.

And then, on motion of Mr. HOWELL,

The House adjourned.

Thursday, December 22.

CUMBERLAND ROAD.

The first business in order was the resolution of the State of Illinois, in relation to the locating of the national road in Illinois, so as to cause it to pass through Alton, presented on a former day by Mr. Reynolds, of that State.

Mr. REYNOLDS rose and addressed the House as follows:

Mr. Speaker: I am sorry that I am compelled, by a sense of duty, to address the House on this subject, which, I fear, is not very interesting to my friends, the members of this House; and I cannot promise them, in my remarks, any thing like eloquence or oratory, that will be entertaining to them. This is a subject of great interest and importance to the whole State of Illinois, and particularly to the district which I have the honor to represent on this floor. Its interest to the people is the reason I now address you. The preamble and resolutions now under consideration were adopted by the General Assembly of the State by a unanimous vote. The State has assumed the principles and doctrines of State rights, which I consider are constitutional and correct, and such as can be maintained and demonstrated on a proper exposition of the constitution of our Government. Without further comment or preface, I will read the preamble and resolutions which passed the Legislature of the State of Illinois by a unanimous vote.

"Whereas it is the opinion of the Legislature of the State of Illinois, now in session, that the route which the national road should pursue, if extended so as to cross the Mississippi river at the town of Alton, would be in entire accordance with its ultimate destination, the capital of the State of Missouri; would be more advantageous to the commercial and agricultural interests of this State, and afford to her inhabitants, and those of her sister States, a more direct and convenient chain of intercommunication than any other route; and whereas the passage of said road across the Mississippi river at St. Louis would not only be highly detrimental to the prosperity of this State, but in violation of her just pretensions and of her rights of sovereignty, contrary to the avowed policy of the General Government, and in open defiance of those principles of even-handed justice and impartiality which have characterized her dealings with other States, in relation to this matter:

"*Therefore, be it resolved by the General Assembly of the State of Illinois*, That the consent of the State of Illinois is hereby given to the Federal Government to extend the national road through the territory of said State, so as to cross the Mississippi river at the town of Alton, in said State, and at no other point.

"*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of a law authorizing the survey of the route from Vandalia to Jefferson city, by the way of Alton, and for the continuation of the national road upon said route."

It will be perceived, by every member of this House, that this resolution presents a subject of much importance, and one on which various opinions have been entertained. This subject being new, and of difficult solution, I have the same pleasure in presenting it to this learned and intelligent assembly as the celebrated per-

sonage of antiquity had in defending himself before King Agrippa. St. Paul said that he was "happy to have the privilege to address a judge who was learned in all the laws and customs of the Jews." So do "I think myself happy" to have the honor to present this subject before an assembly that are intelligent, and learned in the laws and constitution of their country. It is a principle acknowledged by all constitutional lawyers and constitutional writers, that the Congress of the United States possess no power of action further than is expressly given them by the constitution; and, on an attentive and careful examination of that instrument, it will be found that there exists no power in Congress to force on a State such improvements as are contemplated by this national road.

I would ask any gentleman in this House, if he would vote for an improvement of the country, such as the national road is, contrary to the express will and consent of the State in which the road was to be located? I do not believe there can be a case found in the history of this Government, where the General Government has forced on a State, contrary to the will and consent of the State, a road, or any such improvement. The United States possess the power to make all necessary roads for her military operations. This power arises from her exclusive and constitutional authority over the subject of war and all its consequences.

The national road which is now under consideration is not pretended to be a military road, or in any manner connected with the military operations of the Government. The constitution of the United States expressly authorizes Congress "to establish post offices and post roads." Congress, having the constitutional authority and jurisdiction over this subject, must, as a necessary consequence, have the the power to "establish" post routes or post roads. The Congress, at their last session, established a great many post roads all over the Union. This is the establishment which, in my opinion, is contemplated by the constitution, and not the making of a road such as the national road is. It would not be seriously contended by any one, that, under the provisions of the constitution on this subject, Congress would be bound, or would have the constitutional competency, to make and cut out a road wherever they establish a post route. The national road is, in fact, no more a post road than it is a military road; and, consequently, the General Government, under the provisions of the constitution, have no power to force it on the States.

If Congress possess the power, without the consent of the States through which this road passes, to make and open it in the States, then it must follow, as a matter of necessity, that Congress also possess the power to keep these roads in repair; and, in order to do this, they must establish toll gates and toll collectors on them. They must also possess the jurisdiction and control over them; and, consequently, must establish courts, and appoint officers, to enforce the acts of Congress, in the exercise of their jurisdiction over them. If Congress have the power, without the consent of the States, to make these roads, they must exercise all the jurisdiction and power above enumerated, in exclusion of the State authorities. This must be the necessary consequence, if they have the power, in the first instance, to make the roads. I believe that there is no American citizen who would be willing to see the United States assume and exercise the exclusive jurisdiction and control over these national improvements, and deprive the States of their constitutional sovereignty and rights within the limits of their own territory.

I have heard intelligent gentlemen contend, that if the United States had the power to make the national road at all, they would have it as well without as with the consent of the States through which the road may pass. I consider this position to be without foundation, and untenable. A State has the power and right to admit any individual or set of men to expend their money in the State, in such way or manner as the State may think proper and right. We see companies frequently incorporated by State authority to make roads, canals, and such improvements. They act under the authority of the State. They may be considered the agents or servants of the State, as they act under the control and laws of the State, and not by their own authority. In the same manner, when the State gives her consent to the General Government to make a road within the limits of the State, the United States acts not by its own authority, but by the power and authority delegated to it by the State Government. The General Government act under the authority of the State, and, like all other agents, can not transcend the power given.

This view of the subject is demonstrated by an act of the General Assembly of the State of Maryland, passed in November, 1802, which is in the following words, to wit:

"That this State do hereby give and grant their full approbation and consent that the Congress of the United States may appropriate, towards repairing and keeping in repair the post roads, or any one or more of them, within this State, such sum or sums of money as they in their wisdom may deem right, and to lay out and apply the same to said purpose, in any manner they by law direct: *Provided*, That nothing herein contained shall extend, or may be construed to extend, to authorize Congress to pass any law for the changing the direction of the roads, or any of them, as now established, or to authorize them to pass a law for the opening of a new road."

The above-recited act gives a construction to the constitutional power of Congress, and demonstrates the position that Congress is governed in its action on this subject by the authority of the State Government.

This view of the subject is also fortified by Congress transferring the national road to the States east of the Ohio, through which the road passes. Congress, by this act, disclaims the jurisdiction and exclusive control over this road, and transfers all her claim to it to the respective States in which it is located. This is an acknowledgment that the General Government had not the power or jurisdiction over this improvement, to the exclusion of the State Governments. It is a principle, acknowledged by all, that the construction and exposition given to a law or to a constitution, at or near the time the law or constitution was made, is of greater force and validity than a construction given at any other time.

In 1806, which is not a great length of time after the constitution of the United States was adopted, an act of Congress passed on this very subject, and gave a construction to that instrument. This is the first act which was passed on the subject, and it is the act that established the Cumberland or national road.

I will read to you, Mr. Speaker, a part of the act of Congress, which requires the President of the United States to obtain the consent of the State through which this road was to be located. Commissioners were to be appointed by this act; and, on their report, the duty of the President is prescribed in the following act of Congress, to wit:

"Which report the President is hereby authorized to accept or reject, in the whole or in part. If he accepts, he is hereby further authorized and requested to pursue such measures as in his opinion shall be proper, to obtain consent, for making the road, of the State or States through which the same has been laid out; which consent being obtained, he is further authorized to take prompt and effectual measures to cause said road to be made through the whole distance, or in any part or parts

of the same he shall judge most conducive to the public good, having reference to the sum appropriated for the purpose."

In the execution of the above recited act of Congress, and in the performance of his duty under it, President Jefferson addressed the following message to Congress:

"*To the Senate and House of Representatives of the United States:*

"In execution of the act of the last session of Congress, entitled 'An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio,' I appointed Thomas Moore, of Maryland, Joseph Kerr, of Ohio, and Eli Williams, of Maryland, commissioners to lay out the said road, and to perform the other duties assigned to them by the act. The progress which they made in the execution of the work, during the last session, will appear in their report now communicated to Congress. On the receipt of it, I took measures to obtain consent for making the road, of the States of Pennsylvania, Maryland, and Virginia, through which the commissioners proposed to lay it out. I have received acts of the Legislatures of Maryland and Virginia, giving the consent desired; that of Pennsylvania has the subject still under consideration, as is supposed. Until I receive full consent to a free choice of route through the whole distance, I have thought it safest neither to accept nor reject, finally, the partial report of the commissioners. Some matters suggested in the report belong exclusively to the Legislature.

TH. JEFFERSON.

JANUARY 31, 1807."

It is almost useless to observe that no person ever stood higher for splendid talents, and for a complete and perfect knowledge of our constitution and the nature of our Government, than President Jefferson did; and he deemed it necessary to have the "full consent" of the States "to a free choice of the route, through the whole distance," before he could cause the road to be made.

Mr. Speaker, I will trouble the House with only a few of the acts of the State Governments in which this road was located.

The following is an act of the General Assembly of Maryland, which passed 4th January, 1807, and fully recognises the principle that the General Government has no power to make the improvement without the "consent" of the State:

"Whereas a law passed the Congress of the United States on the 29th of March, 1806, directing the laying out of a road from Cumberland, on the Potomac river, to the Ohio; and the consent of this State being necessary to the opening of the same, so far as it may run within her limits, therefore,

"*Be it enacted by the General Assembly of Maryland*, That it shall be lawful, and the full and entire consent of the State of Maryland is hereby given to the opening and improving the same; and the President of the United States is hereby authorized to cause the said road to be laid out, opened, and improved, in such way and manner as by the before-recited act of Congress is required and directed."

An act passed the General Assembly of the State of Pennsylvania on the 9th April, 807, on this subject, and is as follows, to wit:

"That the President of the United States be, and he is hereby, authorized to cause so much of the said road as will be in this State to be opened so far as it may be necessary the same should pass through this State, and to cause the said road to be made, regulated, and completed, within the limits and according to the intent and meaning of the before-recited act of Congress in relation thereto."

Mr. Speaker, I will not trouble the House by reading any of the acts or resolutions of the General Assemblies of the States of Virginia, Ohio, or Indiana, through which this road passes. It will be found, on examination, that the consent of all the States, from one end of this road to the other, has been given to the General Government to construct the road, before the United States commenced it. It seems to me there cannot exist a doubt in the mind of any one that will examine the subject attentively, and see the course of the General Government and of the States also on this subject, that Congress has not the constitutional power to force an improvement of this character on any State.

If Congress assume this power, and exercise it, State rights and State sovereignty might be prostrated. If Congress can force a road on a State four rods wide, it can force into a State one of forty miles wide, and must of necessity exercise exclusive jurisdiction over it. This would be unreasonable, and destructive to our system of government. It would have a tendency to the formation of a consolidated Government, which would destroy State rights and State Governments.

The President, in his late message of December, 1836, recognises this principle where he says that "The great struggle was begun against that latitudinarian construction of the constitution, which authorizes the unlimited appropriation of the revenue of the Union to internal improvement within the States; tending to invest in the hands and place under the control of the General Government all the principal roads and canals of the country, in violation of State rights and in derogation of State authority."

This principle being demonstrated, that Congress has no power to make these works without the "consent" of the State in which they are located, the necessary consequence is—growing out of the above resolution—that the national road must cross the Mississippi river at Alton, in the State of Illinois. If the road does not cross the river at Alton, the consent of the State is given to locate it "at no other point." It is proper and right to mention that there is a contest between the States of Illinois and Missouri about the location of this road. The State of Illinois, as I have before remarked, is unanimous in her resolution to locate it at Alton; and the representatives of the people of Missouri wish it located so as to cross the Mississippi at St. Louis, in that State.

The people of Illinois entertain no unfriendly feelings towards the State of Missouri or the city of St. Louis. We are proud of the growth and prosperity of the State and of their city, but we are not so friendly to them as to advance their interests to the disparagement and destruction of our own rights and interests. We do "not love Cæsar less, but Rome more."

We, the people of Illinois, consider it our duty to advance our own happiness and interest, when it is not to do an injury or wrong to the State of Missouri or to the United States. We do not wish to injure St. Louis, but we are anxious to advance our own State and Alton.

At a recent election, under a statute law of the State of Illinois, a vote was taken for the location of the seat of Government of the State, and Alton received more votes than any other place; by which proceeding it is almost certain that Alton will become the seat of Government for the State; and as the policy of the States through which the national road passes, and that also of the General Government, is to locate it so as to pass the seats of the State Governments, this policy will, I hope, be extended to Illinois as well as to other States. Alton is one of the most flourishing and commercial towns in the State of Illinois. I am informed that it and its environs contain a population of four or five thousand souls; and I know it is rather increasing in population, business, and importance. And although Alton may not contain

as great a population as St. Louis, yet there is in the State of Illinois an immense number of people more than in the State of Missouri, which ought to be a strong argument in favor of the State of Illinois.

Mr. Speaker, it is almost unnecessary for me to state to this House, at this time, that the national road has been located no further west than to Vandalia, the seat of Government of the State of Illinois; and the resolution before us gives the consent of the State to continue it in that State to Alton, towards its ultimate destination, Jefferson city, in the State of Missouri; and, judging from the best information I can obtain, the route by Alton, from Vandalia to Jefferson city, will be found, on actual survey, to be the best and shortest, for the continuation of the road.

If this resolution gave the consent of the State to cross the Mississippi river at a point entirely out of the direction from Vandalia to Jefferson city, then I would say it was unreasonable, and ought not to be urged on the consideration of this House. On such occasion, I should regret to find myself advocating a course of policy so absurd and unjust. But when I am clearly satisfied that the route by Alton is the nearest and best from Vandalia to Jefferson city, and that the General Government will take into consideration the will, interest, and "consent" of the State, in the location of this road, I feel a conscious rectitude in my course, and will pursue it, "uncaring of consequences."

I consider it my duty to pursue this course at this session of Congress, in conformity to the resolution of the General Assembly, and in accordance to the voice of the people, expressed in a meeting had on the occasion. The proceedings of this meeting were printed and laid on the table of each member.

Having finished my remarks on this resolution, I move to refer it to the Committee on Roads and Canals.

Mr. HARRISON, of Missouri, inquired of the gentleman from Illinois if his motion to refer was intended also to embrace instructions to the committee to report a bill in pursuance of the resolutions presented; because, if so, Mr. H. wished to have an opportunity of replying to the gentleman.

Mr. REYNOLDS replied that his motion did not embrace instructions.

The motion to refer was then agreed to.

TEXAS.

The following message was received from the President of the United States, by the hands of ANDREW JACKSON, Jr., his private secretary:

To the House of Representatives U. S.

During the last session, information was given to Congress, by the Executive, that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit, for your consideration, extracts from the report of the agent who had been appointed to collect it, relative to the condition of that country.

No steps have been taken by the Executive towards the acknowledgment of the independence of Texas; and the whole subject would have been left without further remark, on the information now given to Congress, were it not that the two Houses, at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information should be received that it had in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent Power." This mark of interest in the question of the independence of Texas, and indication of the views of Congress, make it proper that I should, somewhat in detail, present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new State as independent, and entitled to a place in the family of nations, is at all times an act of great delicacy and responsibility; but more especially so when such State has forcibly separated itself from another, of which it had formed an integral part, and which still claims dominion over it. A premature recognition, under these circumstances, if no, looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the old or the new world, have been treated by the United States as questions of fact only; and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements in those kingdoms, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government, that we have, under the most critical circumstances, avoided all censure, and encountered no other evil than that produced by a transient estrangement of good will in those against whom we have been, by force of evidence, compelled to decide.

It has thus been made known to the world that the uniform policy and practice of the United States is, to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognise the authority of the prevailing party, without reference to our particular interests and views, or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy, that no serious disagreement has ever arisen among ourselves in relation to it, although brought under review in a variety of forms, and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of originally recognising a new State—a power the exercise of which is equivalent, under some circumstances, to a declaration of war—a power nowhere expressly delegated, and only granted in the constitution, as it is necessarily involved in some of the great powers given to Congress; in that given to the President and Senate to form treaties with foreign Powers, and to appoint ambassadors and other public ministers; and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives, it is distinctly intimated that the expediency of recognising the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature, in the exercise of the power of recognition. It will always be considered consistent with the spirit of the constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom

all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union, and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guarantee to all other nations, of the justice and prudence of the measures which might be adopted.

In making these suggestions, it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe, and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented, in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other Powers, and maintain their established character for fair and impartial dealing. But on this, as on every trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies we stood aloof, and waited not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were they recognised. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct Governments of those Spanish American States who began or carried on the contest with the parent country, united under one form of government. We acknowledged the separate independence of New Grenada, of Venezuela, and of Ecuador, only after their independent existence was no longer a subject of dispute, or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, and the chief of the republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican republic, under another Executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion, the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act, on this occasion, with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, cannot but regard with solicitude the prospect of the reunion of the territory to this country. A large proportion of its civilized inhabitants are emigrants from the United States; speak the same language with ourselves; cherish the same principles, political and religious; and are bound to many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the same form of government with our own; and have, since the close of your last session, openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest, character. The title of Texas to the territory she claims is identified with her independence; she asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico itself, or one of the great foreign Powers, shall recognise the independence of the new Government, at least until the lapse of time or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to uphold the Government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it, we are but carrying out the long-established policy of our Government—a policy which has secured to us respect and influence abroad, and inspired confidence at home.

Having thus discharged my duty, by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence that, if Congress shall differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that, during the short time I shall continue connected with the Government, I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

ANDREW JACKSON.

Washington, *December* 21, 1836.

The reading of the message having been concluded,

Mr. HOWARD moved that the same, with the accompanying documents, be referred to the Committee on Foreign Affairs, and that they be printed; which motion prevailed.

Mr. BRIGGS then moved that 10,000 extra copies of the message and documents be printed.

Mr. D. J. PEARCE moved 20,000.

Under the rule, the motion would lie over one day, but, by the unanimous consent of the House, it was now taken into consideration.

Mr. PICKENS expressed himself favorable to the motion to print an extra number of copies, and took occasion to say that, in referring the same to the Committee on Foreign Affairs, he hoped it had been distinctly understood that a report was to be had at as early a period as possible. He had no objection to the reference to that committee, for he considered and recognised it as representing the dominant party who were about to rule the destinies of this nation. The subject was a most important one, and he hoped the committee would assume the responsibility of issuing a report as early as might possibly suit their convenience.

Mr. E. WHITTLESEY objected to the printing of 20,000 copies. He had been in hopes that, at this session, the House was about to commence its duties with a determination of bringing the expenses of printing, and the other expenses of the Government, to something like what they were ten or twelve years ago; and, with this view, he had been disposed, at the time that 15,000 copies of the documents accompanying the annual message of the President had been ordered, to submit to the House whether it was expedient or proper to go to that expense for the purpose of circulating those documents.

Heretofore, on another occasion, he had remarked that, previous to the year 1829, there were never more than five thousand copies of any public document ordered to be printed. Such, he believed, was the usual

number. At the last session of Congress, the House had ordered some twenty thousand copies of the President's message and the accompanying documents to be printed; and at what period were they circulated over the country? Not until spring; and he questioned whether all of them were even delivered then. The House had, at this session, ordered fifteen thousand copies of the message; and how many of that number had been delivered to the members of the House? Not more than six—he thought not more than five. And these very documents had now been returned here, printed by the country newspapers, before all the copies ordered by this House had been received.

He was desirous, on this as on all other occasions, to lay all important documents before the people, and he cared not how widely they were disseminated, when there was any apparent necessity for so doing. In such cases he was disposed to go to the utmost extent in disseminating information; but he drew a wide distinction between supporting a public press and disseminating information among the people.

He agreed with other gentlemen, that this was an important document; and if it were of so lengthy a character as not to admit of its general republication amongst the newspapers of the country, he was willing, so far as the expense was concerned, to vote any sum to communicate the information it contained. But could it be doubted that, before a tenth part of these 20,000 copies were delivered, every member would receive papers from his own district containing the same document? It seemed to him that the House ought to come to some understanding on this subject of printing; and that they ought not, because a document was important, to print so large an extra number of copies, when it was considered that the information was not disseminated through them, but by means of the newspaper press. He hoped the House would bring the expenses of this department back to what they had formerly been. He was willing to vote for 10,000 copies, but for no higher number.

Mr. D. J. PEARCE, in replying to the gentleman from Ohio, remarked that, about two years ago, some fifty thousand copies had been printed of an oration which had been delivered by an honorable member of that House, [Mr. ADAMS,] on a very important subject; he alluded to the Eulogy on Lafayette. Probably delicy should prevent his (Mr. P's) saying that that was a work of the first order of talent, and of sterling merit.

He was not aware that any man who voted for the printing of that vast number of copies had been rebuked or upbraided by his constituents; but that was a subject referring to things which had taken place many years ago; to the actions of a distinguished individual, now passed away from the theatre of human affairs, and to actions performed by him in the war of the Revolution. The matter, however, which was now submitted to the consideration of the House, was to be taken in a prospective view; it was to be taken with reference to future events in this country; and the House was to view this document with an eye to things that were to come hereafter. What document could be more important, or where could there be one to which their attention ought to be more anxiously directed?

Speaking in reference to those whom he immediately represented, he would say that there was not a man, woman, or child over twelve years of age, in the State from which he came, who had not exercised some mind upon the important subject to which this document had reference; and the question now was, whether the information which this message contained should be communicated to them or not. It was a subject in relation to which, whatever might have been the notions of the members of that House at the last session of Congress, whatever might have been the feelings of gentlemen representing certain portions of the Union, there had been a change of opinion, an alteration of sentiment. And whatever might have been the surmises and conjectures as to what would be the course of the distinguished individual who now filled the executive chair, he (Mr. P.) presumed that those surmises and conjectures would now be found to have been without foundation. He submitted to the House, then, that this was no ordinary subject; that it was not one of common importance; it was, indeed, of more importance than most of the subjects which had been transmitted to Congress for its consideration during the present session; and if it was so, should they withhold from their constituents the stand which had been taken by the Executive of the United States? It was not for the purpose of petting a printer, or supporting a particular press, that he (Mr. P.) was desirous of increasing the number; that was a mere bagatelle, compared to the dissemination of the information contained in the document, and the stand which had been taken by this Government in relation to the affairs with Texas, so far, at least, as that stand could be inferred from the document before the House. Was the House to square its notions now by what its notions were in 1829? Was the country now what it was at that period? Had not our progress been onward? Had there been no expansion of settlement? no increase of population? But, independent of all such considerations, in 1829, for want of the facilities which existed at this day, six weeks would have been consumed in the transmission of information which could now be communicated in three or four days; then, indeed, these documents might have lain on the members' tables as worthless lumber. But now, by means of railroads, steamboats, and express mails, information, which could not then be communicated in six weeks, can now be sent from one end of the republic to the other in a few days. View the document prospectively, or in any other light, there was no subject at this particular juncture of so much importance; and should that House, looking merely to the expense, cause only five or six thousand copies to be printed, thus distributing the document only to one individual in every town or village? Whereas, by printing twenty thousand, it would go to some four or five persons, speaking, at least, of some of the States, in every town, village, and hamlet. He contended, then, that the ordinary rule applied to the printing of public documents was not applicable to this case. It, might, indeed, be said that the newspapers would publish the document; but it was one of that character which most persons would wish to put on file for preservation, not only for their own benefit, but for that of those who may succeed them, as containing the views of the President of the United States at this day. Mr. P. hoped that the motion to print twenty thousand copies would prevail.

Mr. HOAR expressed his accordance with the general views expressed by the gentleman from Ohio, [Mr. E. WHITTLESEY,] on the subject of printing. But he did not concur with that gentleman in the opinion that those views should be applied to the present case. He (Mr. H.) considered that a document on so important a subject, and coming from such a source, should be disseminated as widely as possible.

The subject had been treated by the President in a manner highly satisfactory to his (Mr. H's) views. The statement contained in the document should be in the hands of every man in the country. It deserved more than a cursory reading; it deserved to be printed in a form suited to its permanent preservation. He was in favor of printing the highest number proposed, and was even willing to vote for a greater number than that.

Mr. THOMPSON, of South Carolina, said he was not opposed to the printing of the proposed number. He was willing that the views of those who approved of the

message of the President should be given to the world at the public expense.

He was not at all surprised at the number proposed to be printed. He must rather commend the moderation of those opposed to him. He should not have been surprised at a proposal to print one hundred thousand, nor, indeed, to print it on satin, which had been heretofore done (not by this House) with a kindred document, and one produced by the same influence which has dictated this message. Nor was he surprised at the hosannahs with which this message had been received, the joy and exultation which he had seen manifested, by gentlemen from a certain section, the rapturous plaudits, the enthusiastic exclamations, "Oh! righteous judge, a second Daniel come to judgment," by lips unused to such accents. It was to be expected, sir, from that strange, unnatural, and disastrous (at least to the South and West) conjunction upon this occasion of hitherto most antagonist elements. He had no objection either to please those who had a taste for such things, and whose interest and whose vocation it is—and their vocation, because it is their interest—to pronounce eulogies upon the President. He had only risen to-day to say, that with the united power of sectional feelings, and the influence of the name and popularity of the President upon their side, that it seemed to him nothing more than fair to ask of gentlemen not to seek occasion on a proposition to print, which no one opposed, further to forestall public opinion upon this subject. Upon a fit occasion, when the subject came fairly before the House on the report of the Committee on Foreign Relations, he had somewhat to say upon the other side of this question.

Mr. E. WHITTLESEY, with a view to consume no further time in debate, said he would withdraw his opposition to the proposed number of 20,000 copies.

Mr. CRAIG concurred in the general opinion expressed by the gentleman from Ohio, [Mr. Whittlesey;] but, considering the great importance of the subject, &c., and the consequent necessity that existed for giving the document the most extensive dissemination, he was in favor of the motion to print 20,000 copies.

Mr. WISE said that, like his friend from South Carolina, [Mr. Thompson,] he would vote for the largest number of copies to be printed; but, like him also, he could not say he would thus vote because he approved the message. He could not say either that he approved or disapproved of the message; and why? Because he could not, like some gentlemen, judge of its merits by instinct. He was not unfavorably impressed with it, so far as he could judge by listening to the reading of it by the Clerk; but one thing he would say in advance, that if, under the semblance of great moderation, wisdom, and prudence, the object of this message was to delay and postpone the hour when we should give our aid, by the light of our countenance, to a people struggling for human rights and civil liberty, he was opposed to its object and policy "*toto cœlo.*" The message involved a subject of the deepest interest, important in every aspect; important not only in the light in which it is usually considered, as touching our foreign relations, but important as it will affect our domestic political relations. Gentlemen are well aware that the question of recognising the independence of Texas will, whenever it comes, divide a party whose motto at this time is, and for some time to come will be, "don't divide." This question will divide many of both parties who are now united. However politic it might be for parties to remain united, he was not for postponing the hour of recognising the claims of Texas to freedom a moment beyond what real and not affected wisdom and prudence might require. He meant, however, only to say that, by voting for the greatest number of copies of the message to be printed, he, for one, did not mean to give that message the sanction of his humble approbation until he had read it, studied it, understood precisely its objects and designs, and until he could appreciate its immediate and ultimate effects.

Mr. HOWARD expressed his concurrence with the gentleman from Rhode Island, who made the motion to print 20,000 copies of this document. He considered there ought to be a large number printed for distribution among the people of the country. He also concurred in opinion with the gentleman from Virginia, that it was impossible, from hearing the message read, to form an opinion as to its merits. It asserted a principle most important, and required to be acted on with great deliberation; he was therefore in favor of distributing it to the people of the country, so that they might have an opportunity of forming an opinion thereon.

Mr. BOON observed that circumstances very frequently altered cases. He was astonished to hear the gentleman from Ohio [Mr. Whittlesey] object to the printing of this very important document. It would be recollected that a few sessions back, when a proposition was made to print a certain Post Office report, the printing of a solitary number of which would cost more than a thousand copies of this message, that gentlemen did not then object to printing large numbers of the document. Now, when an extra number of this document was wanting, gentlemen said it would be published in the newspapers. Mr. B. said, however, that it must be recollected that a large number of the tax payers of this country were not subscribers to newspapers; therefore it was necessary that extra numbers should be printed for distribution. He only regretted that the gentleman had not moved to print 40,000.

The question was then taken on the motion to print 20,000 extra copies, which was agreed to.

MINT OF THE UNITED STATES.

Mr. CAMBRELENG asked the consent of the House to take up the "mint bill." He hoped the request would be assented to, for it was highly important that the bill should be passed by the first of the year, inasmuch as it was proposed to take effect from and after the 1st day of January next, and this was the last day of the present week on which it could be acted on.

Mr. WILLIAMS, of North Carolina, objecting,

Mr. CAMBRELENG moved a suspension of the rule for the purpose; which motion prevailed, by a vote of 89 to 37.

On motion of the same gentleman, the House then went into Committee of the Whole on the state of the Union, (Mr. Muhlenberg in the chair,) and took up the bill, the title of which is as follows: "An act establishing a mint, and regulating the coins of the United States."

Mr. CAMBRELENG moved the substitute heretofore reported, which was the same in substance as the bill reported last year, with a few verbal alterations.

The bill, as amended, having been read, and some further verbal amendments agreed to, on motion Mr. CAMBRELENG, after some explanatory remarks from that gentleman in relation to the copper coin—

Mr. ADAMS, referring to the intimation of Mr. Cambreleng that it was necessary to pass this bill before the 1st of January, said that if the bill had proposed to repeal all the laws of the United States, and it had been required that such a bill should be passed within a week's time, he could not have been more surprised than he was at hearing this bill read, in connexion with the precipitate proceeding proposed in regard to it. The subject of the bill was, he said, entirely too important to be disposed of in this summary mode. It was a bill to repeal all laws concerning the coinage of the money of the United States, and establish a system different from that which now exists; which might be all right,

but which it was necessary should be closely examined before it was acted upon. In reply to a remark of Mr. CAMBRELENG, that the bill was merely a compilation of existing laws and regulations in regard to the mint, Mr. ADAMS said that the very first thing that struck his ear on hearing the bill read was a provision that hereafter the weight of the silver dollar should be 412½ grains. Now, by the existing law, the established weight of that coin was 416 grains. Here, then, was a debasement of the coin; and debasement of the coin had always been regarded as one of the greatest, most important, (and often most immoral) acts a Government can perform. What was all this for? He wished to know. It might be a very proper operation; but, if it was, it was not in this hasty and inconsiderate manner that it ought to be effected. As to the gold coins, he could not from recollection say whether the weight proposed was the same as the present legal rate; but, as to the copper coin, the standard of which by the existing law was fixed at 208 grains, this bill proposed to reduce it to 140 grains! Such a reduction of the actual value of the coin would be not only injurious to the mass of poor people who chiefly used the coin, but was in every other way objectionable. It would subject the people who use this coin to all the disadvantage with which Ireland was menaced by Wood's copper coin; and if gentlemen desired particular information on that subject, he advised them to read the Draper's Letters, and apply them to this case. For his part, (Mr. A. said,) he did not remember of any thing equal to this sweeping measure, unless it was the scheme of Charles XII, of Sweden, who made copper coins of less than the specific weight of our cent, and then issued them to his army as of the value of a dollar. Debase your coin! (said he;) you have no right to do it. To do so is to rob those who are in possession of it. If, in consequence of the change of the alloy, the dollar would (as was alleged) remain of the same value as now, why make the change in the weight at all? One of the advantages of the present dollar is, that it is of the weight and value of the Spanish milled dollar, and therefore affords a facility to all who deal in dollars by weight. Now, the dollar is not only a part of the currency, but it is also an article of merchandise; and, as long as our dollar is of the same weight and value of the Spanish dollar, the value and weight of the bag of American dollars and of the bag of Spanish dollars being known all over the world to be the same, they pass at the same value all over the world by weight; and to change the weight would therefore affect seriously the commerce of the country. By these and similar arguments Mr. A. endeavored to satisfy the Committee of the Whole of the impropriety of precipitancy in a matter of so much delicacy and consequence as the subject of this bill.

In the course of these remarks of Mr. ADAMS, occasion was taken by Mr. CAMBRELENG to express his surprise that time should now be required by the gentleman from Massachusetts to examine this subject, inasmuch as this bill was substantially the same as one reported as long ago as at the last session of Congress, though not then acted upon. The bill did not (he said) propose to change the value of the silver coin by a single sous. Mr. C. also made some further explanations, concluding by saying that if Mr. A. would allow the bill to go through the committee to-day, he would himself then move its postponement to Tuesday next, allowing time to gentlemen in the interval to inform themselves of all the details of the bill.

Mr. ADAMS, however, said he, for one, could not consent to move a step further in this bill, which he had not before seen or heard read, without first having time to read and examine it. He moved, therefore, that the committee now rise.

Mr. JARVIS took occasion to state that, having carefully examined the subject, he could satisfy gentlemen that in the proposed composition of the dollar the amount of pure silver was the same as in the present dollar, and that the proposed value of the gold coin was the same as now.

The committee divided on the motion to rise, and the votes being equal, (65 to 65,) the question was determined in the negative by the casting vote of the chairman, [Mr. MUHLENBERG.]

Mr. INGERSOLL, who appeared to be perfectly familiar with the details as well as the principles of the bill, (having been one of the committee who reported it,) expressing his regret that the gentleman from Massachusetts had not had time to examine the bill, answered the objections which had been made to it, and explained its various provisions. With regard to the copper coinage, he said the reduction proposed was only from 168 grains, the present weight of the cent, to 140—an immaterial alteration, scarcely at all proportioned to the growing price of copper, which occasioned the reduction. The gentleman, however, when he spoke of the weight of 208 grains, was right as to the original weight of the cent; but, as it had, since first established, been reduced in weight from 208 grains to 168 grains, it was now proposed to reduce it from 168 grains to 140, to keep pace with the price of copper. This reduction, Mr. I. said, was not much, unless cents were made a legal tender, which it had always been his intention to oppose. As, by the constitution of the United States, the States cannot make any thing but gold and silver a legal tender, he thought it better that the Government of the United States should not do, in this respect, what the States are forbidden to do. With regard to the dollar, no reduction in value was proposed. The size of the dollar was now complained of. The slight change proposed in its composition by this bill would render the bulk and weight somewhat less, whilst the quantity of silver remained the same. As to the gold coin, no change was proposed. As to the general character and tendency of the bill, Mr. I. also made some remarks. The mint, he said, had remained under the same regulations, with little variation, from the year 1791 to this time. The length of time which had intervened rendered a revision of the system necessary. The great object of the present bill was to produce a complete organization, a system of arrangement, a plan of business, which should be perfect, so as to enable all who have business with the mint to have a distinct and clear understanding of what is to be done on the part of the public, and of the individuals themselves who are employed by the public to superintend and conduct its operations. This would not have been so necessary, as a system has in fact grown up from usage, but from the establishment of branches, in connexion with the progress of gold-mining in our own country, &c. Mr. I. expatiated at large, and much more particularly than we have stated, on the advantages and benefits which would be secured or promoted by various provisions of the bill.

On motion of Mr. INGERSOLL, the bill was then amended by striking out so much as makes cents and parts of cents a legal tender.

Mr. ADAMS then moved to strike out the whole of the section which goes to fix the weight of the cent and parts of a cent, so as to leave the copper coin where it is. In reply to the suggestion of Mr. INGERSOLL, that the reduction of the weight of the cent from 168 grains to 140 was a small affair, Mr. A. remarked that that gentleman would not probably consider it a very small affair if, on a larger scale, a debtor owing him 168 dollars, or hundreds of dollars, were to offer to pay him with 140. The effect of such a reduction of the value of the coin would be to drive it from circulation into the hands of speculators, whilst the mint might not in many years be

able to supply its place with a sufficient number of cents of the new coinage. As to the argument in favor of a new coinage, founded on the increasing price of copper, Mr. A. said he did not know what the price of it now was, but it was low enough to allow of cents being made of the same weight as at present, and still leave a profit to the Government. All profit thus made was a tax upon the people; and reducing the weight would, in the case of the copper coin, be only taking so much more from the people. Reduction of the weight of coin, he also argued, facilitates the obliteration and wearing down of it, and was therefore inexpedient.

Mr. McKIM gave the committee some information in relation to the price of copper, which he said had risen, within six or eight months, as much as 25 per cent.—from 17 cents to 21 or 22 cents per pound—so that, to prevent cents from being melted up, the weight of them ought to be reduced. As much copper was received from the mines as ever, but the increased consumption of the article had advanced the price.

Mr. INGERSOLL suggested that striking out the section would (as all former laws were repealed) leave the country without copper coin, which, he presumed, was not the intention of the gentleman who moved to strike it out. If the object was to leave the copper coin unchanged, it would be readily attained by striking out 140 in the present bill, and inserting 168 grains as the weight for the cent, &c.

Mr. HARPER said that, at the weight of 168 grains, a pound of copper would yield within a fraction of 47 cents; and that was a sufficient gain, even at the present price of copper, as stated by the gentleman from Maryland. Mr. H. therefore moved to strike out 140 and insert 168 grains as the weight of the cent.

Mr. McKIM said that it was of raw copper he spoke, when he stated the current price at 21 or 22 cents. The price of manufactured copper was 31 or 32 cents. Something like 10 per cent. was lost in the refining of it.

Mr. GILLET, after suggesting that the people, and not the Government, would be gainers by a reduction of the weight of the coin, because the old coin, of which the value would certainly be increased by the reduction, is in their hands, said that this was a subject to which he had given much attention, having examined and compared the laws, &c. From the statute book it was impossible, he said, for any man to understand that the cent is to consist of 168 grains of copper. He had himself, like the gentleman from Massachusetts, supposed that the legal weight of the cent was 208 grains; for so says the statute. But he understood that in some law, which he had not met with in the course of his examination, the Executive was authorized to fix the weight of the copper coin by proclamation, and that it had been so fixed at 168 grains. But the statute book does not show it, and he had not been able to find the proclamation. It was, therefore, a matter of high necessity to pass a law which should embrace all existing provisions respecting the weight and value of coins, &c.

The committee then divided on Mr. HARPER's motion; and it was discovered that there was not a quorum present.

So the committee rose, and the House then adjourned.

FRIDAY, DECEMBER 23.

After the reading of the journal of the preceding day,

Mr. ASHLEY rose and asked leave to make a few remarks on the subject of certain resolutions from the Legislature of Illinois, in relation to the location of the national road, which had (the day before, when, from indisposition, he was unable to attend the House) been referred to the Committee on Roads and Canals. Hearing some dissenting voices, Mr. A. said he would defer his remarks until a more fit occasion, when the subject should again receive the action of the House. He would then be prepared to show the absurdity of the statements contained in the resolutions, and the remarks which had been made in their support.

INDIAN TREATIES.

The business next in order was the motion, heretofore submitted by Mr. BELL, to reconsider the vote by which the following resolution, offered on a former day by Mr. JONES, Delegate from Wisconsin, had been laid on the table:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of appropriating money for holding treaties with, and the purchase of the lands belonging to, the Sac, Fox, Sioux, and Winnebago Indians, in Wisconsin Territory, and to provide for their removal west of the Mississippi river.

Mr. BELL briefly explained that, since the vote on this resolution had been taken, he had become satisfied that it might be expedient, if possible, to effect a treaty with one or more, and possibly with all, the tribes referred to in the resolution; and, as the resolution was merely one of inquiry by that committee into the expediency of the measure, he hoped the House would reconsider the vote, and adopt the resolution.

And the question on the motion to reconsider was then taken, and decided in the affirmative. So the vote was reconsidered.

Mr. GARLAND, of Louisiana, called for the reading of the resolution; which having been read,

Mr. G. expressed his belief that the policy pursued by the Government in removing the Indians on to our frontiers had been pursued sufficiently long, and that it was time it should be arrested. He thought that the nation had already acquired too many titles to lands by extinguishing the Indian titles, and locating the Indians in one spot on our Southwestern borders. If that policy was to be continued, he objected to it. He hoped that the House would express its opinion to that effect, by refusing to adopt this resolution.

Mr. BELL trusted the gentleman from Louisiana would, upon reflection, find that this was not the proper time to make his objections to the policy pursued by our Government. He submitted that any opposition to the inquiry into the expediency of removing these Indians must fail, because he thought that sound policy and expediency, not to say necessity, demanded the removal of some of the tribes referred to in the resolution. As to what particular point they should be removed to, that would be matter of subsequent inquiry; and if the Committee on Indian Affairs should report any thing which the gentleman from Louisiana should suppose to be inconsistent with the true policy of the country, he might oppose it hereafter.

Mr. GARLAND, of Louisiana, said it was impossible for him to conjecture what would be the course of the Committee on Indian Affairs on this resolution; but, from the very constitution of that committee, he had reason to believe that the former policy of the Government in relation to the location of the Indian tribes west of the Mississippi was not about to be changed; and if he was correct in that inference, he was not disposed, before he entered his protest against it, to have a report of the committee in favor of this resolution. He well knew the effect of reports of committees in this House, coming in opposition to his own views, and every one knew how very difficult it was to resist the report of a committee favorable to any particular measure. For this reason it was that, if it should be the sense of the House that this policy should no longer be continued, he hoped they would meet the subject now on the threshold; that they would not permit any further extinguishment of Indian

titles, nor any further inquiry into the subject, until there should be a greater necessity for it than there was at the present time.

Mr. ASHLEY said that, as a member of the Committee on Indian Affairs, and as representing a portion of the country deeply interested, the subject was one to which he had given much consideration. At one time he had deprecated the policy of locating the Indian tribes on our borders; but as many of them were already there, and as it was evidently the intention of the Government to locate them west of the Mississippi, he thought that the people of the West would feel greater safety, and the Indians themselves greater security, in their being located there, than in their being distributed about the whole country, from the northern to the southern extremity of the United States.

When the Indians were all gathered together on one spot, they became as one family; whereas, generally, when they lived some distance apart, they committed depredations and ravages upon each other, which would not have been committed if living together. Besides, by placing them together, the Government of the United States could more easily take care of them; the laws would be more easily carried into effect, and there would not be so great a number of troops required for protection, as if the Indians were scattered over the country. And if our people had at any time to contend against them, it would be more easy to concentrate their forces at one point, than to spread them over different sections of the country, and less expense would be incurred in the operation. He hoped that the subject might again go to the Committee on Indian Affairs, and be disposed of according as the investigation which they gave to it might justify.

Mr. GARLAND, of Virginia, expressed his opinion, as one of the members of the Committee on Indian Affairs, that the whole question of Indian policy ought not to be opened on a mere question of referring the resolution. That policy had been followed for twenty years, and yet the gentleman from Louisiana [Mr. GARLAND] asked the House to abandon it without even a report from a committee. That gentleman had seemed to suppose that the Committee on Indian Affairs had determined, first, to report favorably to the removal of the tribes mentioned in the resolution, and then for their removal on to the borders of the particular State from whence he came.

Mr. G. adverted to the fact that all the troubles which had existed with the Indian tribes had existed and had arisen among those who were scattered over various sections of the country, and not among the tribes congregated on the Western frontier. He hoped the House would suffer the inquiry to be made, and not suffer the policy which had existed twenty years, without proper investigation, to be abandoned.

Mr. HARRISON, of Missouri, was understood to suggest that there was no necessity for the adoption of the resolution, if the information contained in a letter in a newspaper, and this day received by him, was true, namely, that the treaty with the Sacs and Foxes had been concluded.

Mr. GARLAND, of Louisiana, explained, that he did not wish to throw any obstacle in the way of treaties already held. His object simply was to protest against holding any more treaties with Indian tribes.

Mr. GARLAND, of Virginia, repeated his opinion, before expressed, that it was safer, both for the white population and the Indians also, that the latter should be concentrated together, than sparsely scattered about over a large extent of country. He deemed the remarks of the gentleman from Missouri [Mr. ASHLEY] of great weight.

Mr. DAVIS expressed his decided opinion that the subject should be referred to the Committee on Indian Affairs. They had in Indiana a very unfortunate example of the results arising from having these tribes within the borders of the white people. The Miami tribe of Indians occupied 34 miles square of the State of Indiana, and exercised all the control and authority of a sovereign nation. Surrounded by the whites, the Indians had followed our vices, without, at the same time, imitating our virtues.

But there was another point. The Indians knew well when their lands became valuable. It was, therefore, not only for their own interest that they should be removed beyond the Mississippi, but it was a matter of pecuniary interest to the United States. The Miami lands were now worth ten dollars per acre, and an ineffectual attempt had been made to purchase them. Emigration was flowing in thither, and the lands were becoming more valuable every year. There was great danger in permitting an Indian sovereignty to exist in the heart of a white settlement. He hoped provision would be made for removing the Indian tribes west of the Mississippi; and he concurred in the opinion that it would be much easier to protect the Indians, and our own frontier too, when they were concentrated and confined within a definite line, even of some two or three hundred miles in extent, than when they were, as now, scattered over thousands of miles.

As a matter of policy, expediency, and pecuniary interest to the United States, and, indeed, from every other consideration, he hoped the Government would provide for their removal.

Mr. PARKER inquired if gentlemen believed that legislation was necessary, because of the tardiness of the President to execute the laws enacted for making treaties with the Indian tribes? If legislation was necessary to spur the President on in this matter, he was very much mistaken in his character.

Mr. DAVIS explained, that the President did not want legislation to spur him on, but he wanted the means of removing those Indians; an appropriation was necessary before the President could do any thing.

Mr. PARKER observed there was money appropriated for holding treaties with those Indians; and it looked to him like an instruction to the President to be forcing this measure. Besides this, the Indians had set a price on their lands; and if this resolution was passed, it would lead them to believe that the Government was anxious to get their lands; consequently, they would raise the price. He hoped the subject would be left as it was.

The resolution was then agreed to: Ayes 99, noes not counted.

THE TARIFF.

The House proceeded to the consideration of the resolution heretofore offered by Mr. FRY, instructing the Committee on Agriculture to inquire into the expediency of immediately abolishing the duties on foreign grain and bread stuffs of all kinds.

There were two amendments pending: 1st, that of Mr. ADAMS, to include "the duties on foreign coal, salt, and iron." And, 2dly, that of Mr. WILLIAMS, of North Carolina, to include the duty on "sugar."

Mr. FRY addressed the House as follows:

Mr. Speaker: When I had the honor, a few days ago, to submit a resolution to inquire into the expediency of immediately abolishing the duty upon foreign bread stuffs, I did it under no other apprehensions than that the wants of the community, arising out of the present scarcity of bread stuffs, earnestly called for a measure of the kind. Such were my convictions of the propriety of the inquiry, that at the time I was not very anxious as to what committee the subject should be referred; yet it

did seem to me, upon reflection, that giving the subject into the hands of the Committee on Agriculture was like giving a cause for trial into the hands of one of the parties interested in its decision.

As adopting a principle, I should say that when the wants of the community (which in some places at this time amount very nearly to distress) become the subject of legislation, all questions of interest, of policy, or of compromise, should be made to fall before it. The interests of the country, or the policy of the country, in relation to matters and things in general, are, in the ordinary course of things, the proper subjects for legislative action. But when cases of actual want and suffering among a portion of the country present themselves, I feel it my duty, as one of the representatives of the people, to consider those wants, and, if possible, to supply them, even at the risk of interest or policy. I did thus far not anticipate the opposition to the reference of the resolution which it met; but, as the House has seen proper to give a preference to the Committee on Agriculture, because, in the opinion of gentlemen, the resolution was calculated materially to affect the agricultural interest, I hope the House, with equal candor, will reject the amendments proposed, and let this subject go to its appropriate committee free and apart, and unencumbered with any other matters not strictly within the province of the duties of that committee.

Sir, when a member offers a proposition, the result of deep-felt conviction that the wants of the country, or a very large portion of the country, call for it; or when a member in his place offers a resolution instructing the Committee of Ways and Means to inquire into the expediency of abolishing the duty on bread stuffs, and it is pleaded that the Committee on Agriculture is the only proper tribunal for the investigation of that subject, and the House show a disposition to concur in that opinion, and gentlemen afterwards propose amendments, by taking into the account subjects entirely unconnected with the duties of that committee, what does it intimate? what are we to infer? To me it appears as intended to defeat the proposition, and prevent its being referred at all.

I am, therefore, opposed to the amendment, because I believe it intended ultimately to smother and defeat the inquiry, and any action from being had upon the subject; and, sir, is not the subject one that calls for the action of the House? Does not every gentleman upon this floor know well that there is a state of want, if not general, at many places, which must soon amount to actual suffering? Has not the price of bread stuffs doubled itself within no long period, while the price of labor, or the means of the consumer to obtain his bread, have advanced in nothing like the same ratio? I know this to be the case in some large districts of a populous and industrious part of the country. I know the prices of grain are enormously high, in some instances because the farmer has none to sell, and in some instances because they are keeping it for a still higher price; whilst the honest but poor laborer and mechanic, with their families, who have it not, and whose means for obtaining it have not increased in a ratio any way proportioned to the increase in the price of bread stuffs, are left to suffer the consequences. If this were the case in but a single district, ought we not to inquire speedily, if there be no relief, or some mitigation for those who unfortunately become the victims of such a state of things? There is in that part of the country which I represent—and it is a part of the country which, for industry and economy, is not exceeded by any in this Union—there is almost a general want, an absolute scarcity of bread stuffs, which bears exceedingly hard upon the poorer classes of our people. Farmers who, heretofore, have annually sold considerable quantities of grain, have this year, in consequence of the great and almost entire failure of the crops, scarcely sufficient for their own use; yet, perhaps, in a majority of cases, they have sufficient for their own immediate consumption. But, then, a very large, interesting, and useful portion of our people, our laborers and mechanics, upon whose and from whose labor all the real wealth of the country is derived, and upon whom and to whom we have to look as the defenders of the country in time of peril or invasion—this class of our population are without this necessary of life; and, from the circumstance that the prices of labor are not proportioned to that of bread stuffs, they are not only without it, but without the means of obtaining it.

No man in this House, or no man in this country, without actual experience, knows what it is to be poor. There are people who, by extravagance and prodigality in their habits of life, even with a liberal income, are poor; I do not mean them. I mean those who have large families to maintain, frequently overtaken by sickness, either from the want of the necessaries of life, or other causes; who have high rents to pay, high prices for fuel, food, and clothing, and for the support of which the poor man is entirely dependent upon his labor. Such are poor people; and I say, I repeat, no man in this House or in this country, who has been raised and brought up in easy or affluent circumstances, can form the remotest idea of the actual condition and frequent (though often silent) suffering of this valuable portion of our community. Valuable, I say, because it is their labor which produces and constitutes the wealth of the country. It is their labor which sustains and supports your Government, your tariff systems, your banks, and your thousand other corporate and chartered privileged orders, that monopolize, feed and fatten upon the sweat and toil of this great artery in the body politic.

Sir, I have passed the abyss. But I do know, from sad and impressive experience, what it is to be poor; and I can sympathize and feel, and I do feel, for the sufferings and privations of those who are thus situated; and I would sacrifice almost any interest, any policy, and any compromise, to administer as far as in my power to the wants of that unfortunate class of my countrymen.

And what excuse, what justification, can a member of this House plead, in refusing to contribute his mite to alleviate the condition of these people as much as in his power? Why endeavor to defeat the inquiry? What can be the object of enlarging the duties of the Committee on Agriculture, by giving them jurisdiction over the whole tariff system, as proposed by the amendments? None other than to smother the inquiry. Rather may the people of the country, upon whom the present high price of bread stuffs bears insufferably hard, be left in their present situation, deplorable as it is, than we will consent to take down the present duties; for fear, if once commenced, the inquiry might extend itself into the whole system of indirect taxation that now is, and has been since its commencement, grinding the honest, industrious laborer and mechanic down to a level with the slave, upon the mere pretence of collecting money for the support of the Government, when the Government does not need it.

The Secretary of the Treasury, in his late report to this House, by a calculation and estimate upon the future revenue of the country, the force of which, I confess, has not struck me with the utmost severity, predicts that, ere long, the revenue will not be sufficient for the expenses of the Government; and this may be one reason why members are opposed to any modification of the present tariff. But if the inquiry is proposed to extend no further than bread stuffs, as contemplated by this resolution, which have never yet produced any revenue, and which is the most essential necessary of life, the system cannot be affected, nor the revenue impaired, while

the wants of the country may be greatly relieved. Again, sir, when such a state of things arrives as that the revenue of the country will not support the Government, it will be good time to inquire whether the expenses of the Government conform to an amount necessary to the permanency and well-being of a plain republican Government. Sir, according to any calculation that I have ever made upon the subject, I think the expenses of the Government (not on account of their amount, but on account of preserving that ancient republican simplicity which has hitherto characterized it) are far, very far, beyond what they ought to be, and perhaps double what they would be, if the people supported the Government by direct taxation. I do not wish to be understood as favoring a plan of direct taxation. I use the words merely to show or rather to convey the idea or opinion of the difference which a different mode of collecting revenue might make to the tax-payer.

But, sir, if there be more expenses incurred than should be, is there no remedy? Certainly. But where? It is beyond the reach or control of executive vigilance, and cannot be chargeable to the executive account. But, sir, the remedy is here, in this House, and here only. Here it is that offices are created. Here it is that salaries are created, and allowed, and extended, from time to time, until they become exorbitant; just as if we had to legislate exclusively for the benefit of the officers of the Government, without any regard to the situation or condition of those whom we more immediately represent; here it is that all moneys are appropriated; and here it is, in this House alone, that a remedy is to be found; and if the people will avail themselves of it, it is in their power. The people, in selecting their representatives in their national and State councils, should send more farmers, and fewer professional men; more mechanics, and fewer overgrown capitalists. I make the suggestion with perfect deference to the feelings of every gentleman present. But gentlemen will agree with me, that the different classes of the community are never represented according to their respective federal numbers, and which, in a Government where we know of no distinctions, they are entitled to be.

But many people entertain an idea that unless a man can make a speech, he is not qualified for a seat in their councils. Let me say to them that I have not a doubt upon my mind that many of as good and industrious men, and no doubt as able as any in this House, do not pretend to make speeches; they will not waste time. A wholesome discussion is not to be condemned, but I would draw a material distinction between discussion and making speeches. But enough of this.

When I offered the resolution under consideration, gentlemen very earnestly, and, I doubt not, very honestly, asked me, why, are you not a farmer, and do not you represent an agricultural district and interest? Certainly I am; and if I represent any interest at all, it is the agricultural interest. But will any gentleman demonstrate to me that the farmer has any interest at stake in the existing tariff of duties upon foreign imports? Why, gentlemen tell me there is a duty of about twenty-five cents on a bushel of wheat! Well, suppose there is; the foreign wheat, upon an average, is not worth by twenty-five cents as much as our own. I show this, in a measure, from a paper handed me by a gentleman. This shows that, during the three quarters of the present year, the amount imported at New York was 164,000 bushels, valued at $137,000, making about eighty-four cents a bushel. Could our wheat have been purchased at the same price during the same period? No. Again: the importation of wheat, or of any grain, is a mere nominal thing; unless a time, like the present, of great scarcity, there is none imported; and to show that, I will mention that, for the year 1835, the importation at New York (and which constitutes the great part of the importation) was 2,718 bushels, producing an item of $659 in the revenue derived from imposts, amounting in the whole to about twenty millions. Then, sir, how is the object of the resolution to affect the farming interest? The tariff system is of no earthly advantage to the farmer, because foreign grain cannot, by the existing tariff, be brought into competition with his; and if we only import at times of extreme scarcity, when farmers have little or none to sell, it constitutes an unnecessary tax upon the consumer, without any adequate benefit to the farming interest. Sir, the farming interest is not protected; the small duty upon his wheat was, in the beginning, a mere cheat, to gull him into the support of the whole system—a perfect humbug, so far as the interests of the farmer can compare to the other protected interests; and if you had as many practical farmers here as you ought to have, they would tell you so. But, in another view, if the existing duty upon foreign wheat were an advantage to the farmer, I should still press this inquiry. The farmer at this time, who has the article of bread stuffs to sell, realizes at least double the usual or ordinary prices for his goods. Could he not better take twenty-five cents less than double price for his grain, than the poor consumer can pay such high prices as at present? Surely he could, and would still get an extraordinary price for his grain, while the consumer would be very much relieved.

Sir, gentlemen say I go against the farming interest. This word *interest* seems to be the germe from whi ch sprang, in a measure, this whole system of protection. Sir, to elucidate my opinion, I fancy to myself that a number of gentlemen meet here; the one wishes to embark in the manufacturing of cottons, another of woollens, another of iron, another has a bed of stone coal, &c.; and they enter into an agreement that, for their mutual benefit, and to make those interests permanent and valuable, they must be protected from competition. As among the parties concerned there may be nothing wrong, for the advance paid by the one upon the interest of the other is repaid by his having the same bounty accruing upon his interest. But these gentlemen constitute but a very small portion of the community; and the great mass of the people, the laborers and mechanics, have no interests to protect; and, consequently, all the profits arising out of those different protected interests are paid by the mass of the community. The whole system is upheld and supported by those industrious poor who have no interest to protect. But some will say, if the wealthy portion of the community prosper, the poor man will prosper too. The argument will not hold good; look around at your manufacturer of cottons or woollens, your manufacturer of iron, your coal merchants, and, in nineteen out of twenty cases, you will find they have realized fortunes, while the poor operatives have, nineteen in twenty cases, not increased a dollar; yet these fortunes are the result of their labors. Other gentlemen say a repeal of the duty could not avail the community any thing, because, before an act could be brought into operation, another and a more fruitful harvest may supply the present scarcity.

Sir, I am informed, and I rely upon the information, that large quantities of bread stuffs are hoarded up, and stored away in the storehouses of heartless and soulless speculators in some of the large cities, who are holding back to the last extremity, in order that they may extort from the poor and the needy to the utmost farthing. Sir, repeal the duty upon foreign bread stuffs, and you will compel them to sell.

That such a state of things exists, especially among the poorer classes of people, as I have mentioned, there can be no doubt; and that the repeal of the duty upon their bread stuffs would relieve them, to some extent, I

have no doubt. I think I may safely calculate that if the present duty was taken down, the reduction in the barrel of flour would be one dollar and fifty cents, which would be material to consumers. The President has very properly and very feelingly referred to the subject in his message, and I feel very anxious that the House should act upon the matter.

With regard to the subject of a repeal or modification of the duty upon coal, another necessary of life, second only to bread stuffs, upon the preliminary vote taken a few days ago, referring the subject to a committee, I differed with my colleagues, (I believe with a single exception,) for whose opinions and experience in matters of legislation I entertain the highest respect, because I believed the Committee on Manufactures were in a measure pledged to report against any modification. Now, I will only add at this time, if the Committee of Ways and Means report a bill making such a reduction as will in some measure relieve the situation of the consumers, without embarrassing the mining business, as compared with the manufacturing and other interests, I will vote for it; otherwise, not.

I wish, upon the whole, to legislate for the common benefit and general welfare of the community at large, and not exclusively for individual interests. Gentlemen may compromise themselves rights and advantages over the mass of the community which they have no right to do. I hold the people of this country equally free, and all equally entitled to the benefits of our legislation. I heard a gentleman, who is engaged in the mining business, a few days ago, say that he had sent an agent to Europe to obtain one thousand workmen, and send them here; and that he should soon despatch another agent, authorized to employ another thousand men. These gentlemen, miners and others, parties to the benefits of the tariff system, are opposed to any reduction of the duties upon their respective interests, while they are importing the refuse, perhaps, of European laborers, by the one thousand men, to the great detriment of the laboring classes here, free of duty. Sir, I am prepared to revise the system, to bring the revenue down as far as practicable. Such a course I think necessary, as well to avoid accruing surpluses in the Treasury as to make the benefits of legislation equal to all.

These names of "home and industry," and "Pennsylvania interests," are too often but "tinkling cymbals." I feel as much a Pennsylvanian as any other man; but I cannot consent to make the interests of Pennsylvania capitalists alone the interests of the State. Sir, the people of Pennsylvania were, at the last session of the Legislature, saddled with a "United States Bank," (against the existence of which they had repeatedly decided,) under the garb of Pennsylvania interests; but whatever can or may be done to advance the general interest and welfare, as well of Pennsylvania as any other State, shall, so long as I have a seat here, be my constant aim. I am done. I hope the House will let the inquiry go to the committee, free of amendment, and let them report. If they deem best, let it be but temporary; let the duty be taken off for a limited time; any thing that will in some measure relieve the present exigency; and if they think differently, and can satisfy the country that the duty upon bread stuffs ought not to be repealed, I shall be satisfied, conscious that I have done my duty.

As soon as Mr. FRY had concluded,

Mr. WHITTLESEY called for the orders of the day.

Mr. OWENS made an ineffectual attempt to submit a resolution.

Mr. MANN, of New York, moved a suspension of the rules for the purpose of submitting a motion that when the House adjourn to-day, it adjourn to meet on Monday next.

Mr. WHITTLESEY, of Ohio, asked for the yeas and nays; but the House refused to order them, and the rules were suspended by a vote of 117 to 45.

Mr. MANN then made his motion, and

Mr. ANTHONY moved to amend it, by inserting "Tuesday;" but it was rejected by a vote of 20 to 122.

The motion of Mr. MANN was agreed to: Ayes 96, noes 95.

After some further proceedings on private bills,

The House adjourned.

MONDAY, DECEMBER 26.

A new member, viz: WILLIAM C. DAWSON, elected from Georgia, to fill the vacancy occasioned by the decease of General COFFEE, appeared, was qualified, and took his seat.

ABOLITION OF SLAVERY.

Mr. ADAMS presented the petition of I. Page and twenty-six other citizens of Silver Lake, Susquehanna county, State of Pennsylvania, praying for the abolition of slavery and the slave trade in the District of Columbia.

Mr. A. moved that the said petition be referred to the Committee for the District of Columbia.

Mr. PICKENS asked for the decision of the Chair upon the construction of the resolution reported from the select committee appointed on the subject of slavery in the District of Columbia, at the last session of Congress. By that resolution, all memorials and other papers relating to this subject had been ordered to lie on the table, without being referred or printed. Mr. P. wished to know what would be the destiny of these petitions under that resolution.

The SPEAKER said it would be a matter for the consideration of the House. After referring to such authorities as he could find, he had come to the decision that the operation of the resolution referred to ceased with the last session of Congress. The question, however, was one for the House to determine.

Mr. PICKENS said he could not consent that these petitions should be referred to any standing committee of the House. He objected, therefore, to the proposed reference of the memorial presented by the gentleman from Massachusetts, and he called for the yeas and nays on that motion.

Mr. PARKS moved to lay the petition on the table.

Mr. CUSHMAN called for the yeas and nays on the last motion; which were ordered.

[The name of Mr. W. THOMPSON, of South Carolina, having been called, Mr. T. rose and inquired whether the act of recording his vote on this motion would imply that he assented to the reception of these petitions at all?

The SPEAKER said that the question of reception could not be now entertained, the petition actually being at the present time in the possession of the House.

Mr. T. thereupon asked to be excused from voting, and the House accordingly excused him.]

And the vote, having been taken, stood: Yeas 116, nays 36, as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Bean, Beaumont, Bell, Black, Boon, Boyd, Brown, Bunch, Cambreleng, Carr, Carter, Casey, G. Chambers, J. Chambers, Chaney, Chapman, Chapin, Chetwood, Cleveland, Coles, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dunlap, Efner, Elmore, Fairfield, French, Fry, Fuller, Galbraith, Gillet, Graham, Haley, J. Hall, Hannegan, Harlan, A. G. Harrison, Haynes, Helsey, Howell, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Kennon, Kilgore, Klingensmith, Lansing, Laporte, Lawler, Gideon Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, William Mason, Moses Mason, Maury, McKay, McKeon,

McKim, McLene, Miller, Moore, Morgan, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Richardson, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Spangler, Standefer, Taliaferro, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Wagener, Ward, Washington, Webster, White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Yell, Young—116.

NAYS—Messrs. Adams, H. Allen, Bailey, Beale, Borden, Bouldin, Briggs, W. B. Calhoun, Childs, N. H. Claiborne, Cushing, Darlington, Dawson, Denny, Everett, Granger, Hard, Hardin, Harper, Hazeltine, Henderson, Hiester, Hoar, Hunt, W. Jackson, Janes, Lane, Lawrence, McKennan, Parker, Pearson, Reed, Russell, Storer, Vinton, Elisha Whittlesey—36.

So the motion was laid on the table.

After the roll had been called through, Mr. GARLAND, of Virginia, asked leave to vote. Objection being made, Mr. G. stated that if he had been in the hall at the time, he would have voted against receiving the petition in any shape or form.

Mr. DAVIS asked the consent of the House, at this time, to take up and consider a resolution heretofore offered by him, providing that all resolutions, petitions, memorials, and other papers, which might be offered during the present session of Congress, in any manner relating to the abolition of slavery and the slave trade in the District of Columbia, or in any of the Territories of the United States, should, on presentation, be laid upon the table, without being read or ordered to be printed, and without debate.

Objection having been made, Mr. D. moved a suspension of the rule.

Mr. OWENS called for the yeas and nays on that motion.

A count having been taken on the motion of Mr. OWENS, there appeared no quorum voting.

Mr. ADAMS asked whether the question was debateable?

The SPEAKER said it was not.

Mr. ADAMS said he would submit to the mover of the motion to suspend the rule, whether he had not better postpone the consideration of this question until some future day, instead of discussing it to-day, which was petition day. He (Mr. A.) was willing that the gentleman's proposition should be fully and thoroughly discussed, and he hoped it would be so. But he did not think this was the proper time for the discussion.

Mr. ANTHONY said that, as gentlemen had been so anxious to come here to-day, and as there was no quorum present, he wished to know who was away; for this reason, he moved a call of the House; which motion prevailed: Ayes 77, noes 65.

So the House ordered the call.

The roll having been thereupon called, 170 members answered to their names; when,

On motion of Mr. E. WHITTLESEY, further proceedings in the call were suspended.

And the question on the motion to suspend the rule was then taken, and decided in the negative. So the House refused to suspend the rule.

THE TARIFF.

The unfinished business of the morning hour was the resolution heretofore offered by Mr. FRY, instructing the Committee on Agriculture to inquire into the expediency of immediately abolishing the duties on foreign grain, or on bread stuffs of all kinds.

To which resolution two amendments had been heretofore offered:

First, by Mr. ADAMS, to amend by inserting the words "and also on foreign coal, salt, and iron."

And, secondly, by Mr. WILLIAMS, of North Carolina, by inserting the words "and sugar."

Mr. ANTHONY said he should not have deemed it his duty at the present time to make any remarks in reference to the resolution before the House, had it not originated with his honorable colleague, [Mr. FRY;] but as it came from the State which he had the honor in part to represent, he could not refrain from the expression of his surprise at the source from whence the resolution emanated. His colleague represented an agricultural district, and had said that the present high prices of grain and flour operated heavily on the poor; and, as there was a scarcity in the country, foreign importations should be made free of duty. In examining a question of such vital importance to the agricultural and manufacturing interests of the country, Mr. A. contended that we should look at the tariff as a whole, and not attempt to legislate by piecemeal. His colleague had doubtless not foreseen that his attempt would be followed by those of the gentlemen from Massachusetts and North Carolina; but the numerous petitions from Boston and New York, for an abolition of the duty on coal, would at once suggest the amendment including that article. At first glance it might appear that the increased price of an article was a serious injury to the consumer, and that competition in such case should be left open to the world; but was it not known to the whole House that the present high price of bread stuffs was caused by a deficiency of the crops in the grain-growing States? That the evil was merely temporary? And he submitted whether it was sound policy to violate the compromise bill, because the farmers had not been so fortunate the past year as heretofore. They were already seriously affected by the loss, and his colleague would now prevent them from receiving little more than the usual price for the scanty produce of their farms, by permitting the importation of foreign grain free of duty. Such a course would make the burden fall with peculiar hardship on the agricultural community; whereas, if the price were increased on account of the scarcity, every portion of the people would assist to bear the burden; thus lessening the temporary evil by a participation therein of the mechanic and manufacturer as well as the farmer.

It is, however, urged that the high price of fuel and bread stuffs materially affects the poor laboring class. To this proposition I (said Mr. A.) cannot assent; for although the necessaries of life cost more, yet it matters not to the workman whether he pays $1 or $2 for a bushel of wheat, if his wages are in proportion to the price. When trade is brisk, and laborers are in demand, notwithstanding provisions are high, the poor are much better provided for than when business is dull and industry paralyzed. Let me for a moment call the attention of the House to the coal and iron region of Pennsylvania, where we may see thousands and tens of thousands of the poor hard-working class daily engaged in mining operations, in the manufacture of iron, and in transporting their coal and iron to market. The busy hum of industry is heard throughout the whole extent of those mineral regions, and high wages are given to every working man. How much better is it for those men to pay $10 a barrel for flour, than to get it for $5 when they have no means of livelihood, and are thrown out of employ! While their services are in demand, their wages increase with the increase of the price of the article they supply; and when they can no longer be profitably employed, they must inevitably lose, however depreciated all the necessaries and comforts of life may be.

The present price of coal is, in a great measure, owing to the fact that the demand has, within the past year, increased more rapidly than the supply. Although the means of the country are abundantly sufficient to supply

all its wants, yet the demand has increased with unexpected rapidity, and dealers in coal were not prepared for it. From the year 1825 to 1833, there was a rapid increase of supply by the mines of Pennsylvania; but, at the end of the last-mentioned year, a large quantity was left on hand; and in 1834, although 100,000 tons less were mined than in 1833, yet coal was sold at from $4 to $5, and the owners could not dispose of all on hand at that reduced price. The consequence was, that a heavy loss was sustained on the article by those engaged in mining operations in that year, and miners were discharged by hundreds, and compelled to seek employment in other quarters. In 1835 and 1836 the demand increased with surprising rapidity, as mineral coal came into use much more extensively than heretofore; and although the supply greatly increased, yet, as a large number of miners had been dismissed for want of employ in 1834, it was not so easy to get them back at a moment's warning. With all these difficulties to encounter, and when the coal business in Pennsylvania is still almost in its infancy, and needs the fostering care and protection of our Government, we have been enabled to almost double the supply since 1834; and in the coming year a much larger quantity will be sent to market, as extensive preparations are in progress, throughout the whole coal region, to afford an abundant supply to the wants of the country. The scarcity of miners has increased their wages; this, added to the high price of provisions, has caused complaints of the present exorbitant price of coal; but it must be evident that these evils are only temporary, and will cease to exist with the causes which produced them. The competition that is now going on in Pennsylvania will insure a future supply of the article to consumers at a just rate, and one at which they will have no reason to complain.

But my friend from Pennsylvania says, "all the profits arising out of those different protected interests are paid by the mass of the community. The whole system is upheld and supported by those industrious poor who have no interest to protect." Suppose we permit the importation of grain, coal, iron, &c., free of duty, what is to become of those "industrious poor?" Foreign capitalists will immediately glut our market with those articles at reduced prices, so as to prevent our competition. Hundreds of laborers will be without employment, because the iron, mining, and agricultural business will no longer be profitable; our canals and railroads will be unoccupied; our mountains and valleys will remain uncultivated; and where we now behold bustle, activity, and enterprise, we shall shortly see nothing but poverty and solitude. It is worse than folly to suppose that there is any distinct interest between the different classes of our country. The rich have the means to provide employment for the poor. The laborer contributes to the benefit of the capitalist, while he obtains a competent support for himself and family. Take away all inducement from the moneyed man to embark in business, and you most assuredly will take the bread from the mouth of the honest and industrious laborer.

It is, however, objected by my colleague, that a mining gentleman has brought 1,000 laborers from Europe, and intends sending for 1,000 more; thus, as he says, "importing the refuse, perhaps, of European laborers, by the thousand, to the great detriment of the laboring classes here." If the gentleman is sincere in his partiality for those from whose labor, he says, all the real wealth of the country is derived, why is his friendship for that class so contracted? The laborer is worthy of his hire, let him come from where he may. But is it not far better that we should cultivate our own soil, mine our own coal, and manufacture our own iron, than buy them from abroad, where nearly the whole profits go to foreigners, and where foreign laborers are alone employed?

The compromise bill, as it is called, of March, 1833, gradually reduces the revenue till 1842; and, on the faith of that law, a large amount of capital had been expended, immense preparations have been made, and thousands of hands have been employed in Pennsylvania in the coal and iron region; towns and villages have arisen as it were by enchantment; canals and railroads have been constructed at vast expense; mechanics and laborers and manufacturers are receiving the highest wages, and so greatly are they wanted that capitalists are obliged to send abroad for them. Let me not be told that there is distress in the country where such a state of things exists. Our mountains, which, but a few years since, were a barren wild, are now teeming with a hardy, industrious, and thriving population. Every man who is able and willing to work can find profitable employment; and I would extremely regret to see any measures adopted by this House which would destroy the compromise, and, with it, the expectations of those who have embarked largely in business, by virtue of the fostering provisions of that act.

If we look around us, we shall find ample means for disposing of a large amount of the surplus revenue the ensuing year. Your Post Office and your Patent Office are in ruins; a considerable sum will be necessary to erect fire-proof buildings for those departments of the National Government, and the money cannot be more judiciously expended. You also have on hand a Treasury building, which will require a large sum for its completion.

In addition to these national edifices, which should be constructed in the most secure and permanent manner, the representatives of Pennsylvania, on behalf of their constituents, would respectfully though earnestly ask for the erection of a custom-house, in the city of Philadelphia, commensurate with the increase of business in that great and growing commercial city. The present custom-house affords neither convenience nor security; and although we do not desire the construction of a marble palace, equal in splendor and magnificence to that in the city of New York, yet we want a good substantial edifice, that will combine utility with safety. The circuit court of the United States has no place to hold its sessions in Philadelphia, except in buildings belonging to the city; and the post office is in the same situation. Is it not better to appropriate some of the surplus to the erection of convenient buildings for our courts and for the collection of the revenue, and thus give employment to the "industrious poor," than at once to diminish the tariff so materially as to prevent any appropriations for those important and highly beneficial objects?

If, after these expenditures, it is still found that we have more money than we know how to spend, let us adopt the recommendation of the President, who says:

"Much good, in my judgment, would be produced by prohibiting the sales of the public lands except to actual settlers, at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government never ought to receive any thing but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenue, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general, and to the new States in particular, which cannot fail to receive the most profound consideration of Congress."

By restricting the sales of public lands to actual settlers, we shall prohibit that wild speculation which has been carried on for some time in Western lands, and

which must inevitably, if persisted in, do essential injury to the new States. If actual settlers alone are permitted to purchase the public lands, the country will have the advantage of an industrious, enterprising population; but, as it now is, every eligible situation, all the best locations, are selected by speculators; and if a poor man wishes to purchase a home for himself and family, he must buy of those who have been beforehand in obtaining all the choice lands in the vicinity.

The vast amount of twenty-four millions has been received the present year from our public lands; and it is evident that, if we refuse to sell them to any but actual settlers, but a small sum will accrue from that source the next year. If, therefore, the true policy of the Government be to reduce the receipts of the national Treasury to its expenditures, I would certainly prefer the suggestion of the President in relation to our lands, than to disturb the country by an agitation at the present time of the tariff, which was so satisfactorily adjusted by the compromise bill of 1833.

Should it, however, be found absolutely necessary to take up the subject of the tariff, and thoroughly examine it in all its bearings, I will not raise my voice against it. All that I ask, as a Pennsylvanian, is, that the best interests of my native State shall not be the first at which the blow shall be aimed. If grain, iron, and coal, are to be deprived of protection, let us examine whether other protected articles shall not share the same fate. I am, therefore, opposed to the original resolution, as well as the amendments, and hope they may all be rejected.

Mr. JOHNSON, of Louisiana, said that, as the question immediately before the House was on the adoption of the amendment proposing to include the article of "sugar," it was his wish to offer a few observations. But, by way of testing the sense of the House, he would move to lay the whole subject on the table; which motion prevailed.

So the resolution and amendments were laid on the table.

RECEIPTS AND EXPENDITURES.

The House took up for consideration the motion, heretofore made by Mr. PARKER, to print five thousand extra copies of the accounts of receipts and expenditures of the United States for the year 1835.

Mr. ADAMS said he believed this was an unusual motion. He had never opposed the printing of an extra number of a document, if it were important that it should be spread before the people. But this document, in the first place, was of very considerable size; and it was a new thing, he believed, though he was not certain, and, if in error, the gentleman who made the motion [Mr. PARKER] could correct him, to print an extra number of this, which was an annual document. He believed it to be unusual, if not unexampled. Now, although he believed the document to be important, and although it was extremely proper that it should be in the possession of every member of Congress, and that it should be faithfully studied and reflected on by them, yet it did not appear to him to be a document of much use to circulate numerously among the people. The people, in fact, might derive very little information from it. There was in that document a general summary, in the space of one or two pages, containing the amount of receipts and expenditures, which it would be proper to circulate among the people, and which, he believed, was usually done every year. But he could not vote for this motion, unless some reason was given for a proceeding so unusual; although he did not know that he had ever before opposed the printing of an extra number. Generally speaking, he was in favor of going to this expense; he thought it a well-deserved expense. But, in the present instance, the expense would not only be heavy at the present time, but it was unexampled; and, if done now, he took it for granted it would be done every year hereafter. He thought it was a document which was particularly prepared for the use of members of Congress. As such, it was very important; and, as such, it should be supplied in sufficient numbers to give the citizens all necessary information. But it was not a document usually circulated in large numbers among the people, nor one which would be productive of any beneficial effects if it was so circulated. He hoped the gentleman from New Jersey could give some sufficient reason why his motion should be agreed to.

Mr. PARKER, in defence of his motion, replied that it was very important, in his opinion, that the document should be freely circulated among the people, because it showed the disbursements of the public money from time to time. It showed to the people what had become of the money which had been raised by means of imposts, taxes, and the receipts of public lands. It showed in what manner the trust reposed in Congress, for the disposition of the public money, had been executed; it showed what had become of that money, to whom it was applied, and for what purposes. He was willing, if any gentleman proposed it, to submit to a modification of his motion, so far as concerned the number of copies. But he hoped the House would support him in his endeavors to have some extra copies printed.

And the question was taken, and decided in the negative: Ayes 52, noes, 84. So the motion was rejected.

AMOUNT OF DUTIES.

The following resolution, offered by Mr. HUNTSMAN on the same day, was taken up:

Resolved, That the Secretary of the Treasury be requested to communicate to this House the amount of duties collected upon salt in the years 1834, 1835, and 1836, as far as it can be estimated.

Mr. McKIM moved to add the words "and coal" after the word "salt;" which Mr. HUNTSMAN accepted as a modification.

Mr. McKAY suggested a further modification, so as to embrace a call for the whole amount of duties received upon every article of foreign imports for the last four years. Mr. McK. moved, as a substitute, the following:

Resolved, That the Secretary of the Treasury cause to be prepared, for the use of this House, as soon as convenient, a tabular statement, showing the nett amount of revenue receivable from customs for the last four years, distinguishing the amount received in each year.

Mr. CAMBRELENG hoped the gentleman from Tennessee would accept this as a modification, for it was of vast importance at this time to have the inquiry extended.

Mr. HUNTSMAN accepted the substitute as a modification.

Mr. PICKENS inquired of the gentleman from North Carolina if he meant the "gross" or "nett" revenue.

Mr. McKAY replied, the "nett."

Mr. PICKENS remarked that it would be scarcely possible to procure such a return.

Mr. McKAY, by consent of the original mover, modified the resolution by retaining both words, "nett and gross."

Mr. GILLET said he would suggest to the gentleman from Tennessee, to ask only for the gross amount of revenue on such articles, as far as it can be given. As far as the great classes of articles were concerned, it would be easily complied with. The nett revenue upon the aggregate of articles could be, he presumed, soon given. But it would be impossible to furnish, with accuracy, the nett revenue on each article in detail. It would be easy to furnish the amount of revenue at a single port, and the expenses of collection, and the amount of drawback thereon; but he knew of no way in which a

correct apportionment of the former could be made upon the various articles imported there. A cargo may consist of a hundred different articles, paying different rates of duties. He would ask how the charges upon the revenue could be apportioned upon each? It might be done so as to approximate to the truth, but nothing more. The drawbacks paid had been stated as charges upon the collection of revenue from the customs, and had led many gentlemen into error, and induced them to believe that the expenses of collection were far greater than they were in fact. The drawback of duties, in fact, forms no part of the expenses of collection.

Mr. CAMBRELENG thought the gentleman from South Carolina and his own colleague had misapprehended what was meant by the term "nett" revenue. The nett revenue was the difference between the amount of the gross revenue upon the whole article of imports from abroad and that of the drawbacks upon the same article; and one statement could be furnished by the Secretary of the Treasury as well as the other. It had nothing to do with the expenses of collection.

Mr. GILLET said he thought his colleague was in error on this subject. It seemed to him that the nett revenue was the amount received over and above all expenses of collection. This, he thought, was the ordinary acceptation of the expression. He believed his memory did not mislead him when he stated that this was the understanding of it at the Treasury. He recollected that in a document communicated to this House, relating to the compensation of custom-house officers, it had been so understood. The nett revenue stated in that document was the balance, after deducting the expenses of collection and drawbacks. The latter, he thought, in fact, formed no part of the expenses, though heretofore so stated. He would suggest that the resolution be so altered as to require the gross revenue, and the amount of drawback on each article. This would give what all wanted. All agree in the object of obtaining the information. Unless we put it in this shape, we could not expect to have the resolution answered sufficiently early to be of any service to us this session. By this resolution we shall obtain information in a condensed form, which is now somewhat scattered in the documents annually laid upon our tables.

Mr. REYNOLDS, of Illinois, moved that the House adjourn.

Mr. WHITTLESEY called for the yeas and nays, which were not ordered; and the motion to adjourn was decided in the negative: Yeas 60, nays 63.

The question again recurring on the above resolution,

Mr. CAMBRELENG moved to strike out the word "nett," and insert the words "together with the amount of drawbacks upon each article;" which Mr. HUNTSMAN accepted as a modification; and the resolution, as modified, was agreed to.

GEOLOGICAL RECONNOISSANCE.

The following resolution, offered by Mr. HENDERSON on the 20th instant, was then taken up:

Resolved, That 5,000 copies of the Senate document No. 333, entitled "Report of a Geological Reconnoissance made in 1835, from the seat of Government, by the way of Green Bay and the Wisconsin Territory, to the Coteau De Prairie, by G. W. Featherstonhaugh, United States geologist," be printed for the use of the members of this House.

On motion of Mr. H., the resolution was modified by the addition of the following words: "under the direction of Mr. Featherstonhaugh."

Mr. PARKER objected to the resolution, unless some gentleman would give good reasons for its adoption.

Mr. G. LEE said he had voted uniformly for motions to print the public documents; the people were entitled to the knowledge of all the proceedings of the Government; they desire this knowledge, and he had seen no document which was not proper and useful for the people to read and discuss.

The gentleman from New Jersey asks who wants the document—who will read it? and expresses an opinion that not one in one hundred thousand will read it. I will inform the gentleman that several scientific gentlemen have written to me for copies. I have this day applied at the document office for them, and am informed that not a single copy remains. The subject of the geology of our country is an interesting subject to all classes, and especially the geology of our wide-spread, hitherto unexplored regions; and I believe the very reverse of the opinion of the gentleman from New Jersey would be nearer the truth. I believe that not one in one hundred thousand of the reading community would fail to read it if they had the document; and I believe, moreover, that the printing and the distribution by Congress is the most convenient and the cheapest mode of disseminating information that can be devised.

The question on the resolution, as modified, was then taken, and the vote being ayes 71, noes 47—no quorum—

Mr. PARKER moved that the House adjourn: Lost, 64 to 65.

Mr. OWENS moved to lay the resolution on the table: Lost, without a count.

Mr. BELL wished to know if this work had been examined by any one competent to judge of its merits; for they had often ordered books to be printed which turned out to be worthless. He moved that the resolution be referred to the Committee on the Library.

Mr. HENDERSON accepted this as a modification; and, so modified, the resolution was agreed to.

The House then adjourned.

TUESDAY, DECEMBER 27.

MICHIGAN.

The following message, in writing, was received from the President of the United States, by the hands of his private secretary, ANDREW JACKSON, Jr., Esq.

To the Senate and House of Representatives of the United States of America:

By the second section of the act "to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," approved June 15th, 1836, the constitution and State Government which the people of Michigan had formed for themselves was ratified and confirmed, and the State of Michigan declared to be one of the United States of America, and admitted into the Union upon an equal footing with the original States, but on the express condition that the said State should consist of, and have jurisdiction over, all the territory included within certain boundaries described in the act, and over none other. It was further enacted, by the third section of the same law, that, as a compliance with the fundamental condition of admission, the boundaries of the State of Michigan, as thus described, declared, and established, should "receive the assent of a convention of delegates, elected by the people of said State for the sole purpose of giving the assent therein required; that, as soon as such assent should be given, the President of the United States should announce the same by proclamation; and that, thereupon, and without any further proceeding on the part of Congress, the admission of the State into the Union, as one of the United States of America, should be considered as complete, and her Senators and Representatives in the Congress of the United States entitled to take their seats without further delay.

In the month of November last, I received a commu-

nication, enclosing the official proceedings of a convention assembled at Ann Arbor, in Michigan, on the 26th of September, 1836, all which are herewith laid before you. It will be seen, by these papers, that the convention therein referred to was elected by the people of Michigan, pursuant to an act of the State Legislature, passed on the 25th of July last, in consequence of the above-mentioned act of Congress, and that it declined giving its assent to the fundamental condition prescribed by Congress, and rejected the same.

On the 24th instant, the accompanying paper, with its enclosure, containing the proceedings of a convention of delegates subsequently elected, and held in the State of Michigan, was presented to me. By these papers, which are also herewith submitted for your consideration, it appears that elections were held in all the counties of the State except two, on the 5th and 6th days of December, instant, for the purpose of electing a convention of delegates to give the assent required by Congress; that the delegates then elected assembled in convention on the 14th day of December, instant; and that on the following day the assent of the body to the fundamental condition above stated was formally given.

This latter convention was not held or elected by virtue of any act of the Territorial or State Legislature; it originated from the people themselves, and was chosen by them in pursuance of resolutions adopted in primary assemblies, held in the respective counties. The act of Congress, however, does not prescribe by what authority the convention shall be ordered, or the time when or the manner in which it shall be chosen. Had these latter proceedings come to me during the recess of Congress, I should therefore have felt it my duty, on being satisfied that they emanated from a convention of delegates elected in point of fact by the people of the State, for the purpose required, to have issued my proclamation thereon, as provided by law. But as the authority conferred on the President was evidently given to him under the expectation that the assent of the convention might be laid before him during the recess of Congress, and to avoid the delay of a postponement until the meeting of that body, and as the circumstances which now attend the case are in other respects peculiar, and such as could not have been foreseen when the act of June 15, 1836, was passed, I deem it most agreeable to the intent of that law, and proper for other reasons, that the whole subject should be submitted to the decision of Congress. The importance of your early action upon it is too obvious to need remark.

ANDREW JACKSON.

WASHINGTON, *December*, 1836.

The message, having been read, was, on motion of Mr. CRAIG, referred to the Committee on the Judiciary, and, with the accompanying documents ordered to be printed.

PROTECTION OF SEAMEN.

Mr. CAMBRELENG offered the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of repealing all laws authorizing protections to be issued to American seamen.

Mr. C. briefly explained the object of this resolution. He said it was matter of surprise that these laws had not been repealed before this time. In the early stages of our Government, in the infancy of our dangers, such laws were necessary. But now the time had arrived when the flag of our country was in itself a sufficient protection. The American seamen were taxed heavily for the payment of these protections, and no necessity, he thought, existed for their continuance.

Mr. PARKER was understood to oppose the object of the resolution, on the ground that there were many cases in which such protections were indispensable; such, for instance, as shipwreck.

Mr. McKEON hoped that the gentleman from New Jersey would yield his objections. It was merely for inquiry, and he trusted that the House would not oppose a proposition which made an inquiry into the propriety of relieving a highly deserving class of our citizens from an onerous tax.

Mr. PARKER said he would not oppose the adoption of the resolution.

Mr. D. J. PEARCE said that he should, at a proper time, object to any alteration in the law referred to. It had been adopted with a view to increase the number of American seamen. The resolution, like many others submitted to this House, looked to an existing evil, and took the present year as a standard for years to come. The law, as it now stood, served to increase the number of our seamen; the resolution, to his mind, looked to a decrease.

Mr. CAMBRELENG could not understand how the removal of an actual existing tax upon seamen was to decrease their number. In his opinion, the tax ought to be abolished. If the Committee on Commerce should see any reason why it should be continued, he would yield his own opinion to that committee. He wished to refer it to them simply as a matter of inquiry. So far as he had himself examined the subject, and from the information he had collected from sources where the subject ought to be best understood, he was decidedly of opinion that the law ought to be abolished.

Mr. GILLET hoped the resolution would pass, but suggested to Mr. CAMBRELENG so to enlarge the resolution as to instruct the committee to inquire into the expediency of abolishing the fees.

Mr. CAMBRELENG accepted the modification.

Mr. ADAMS said he was very glad the proposition had been made; that he hoped the subject would be referred to the Committee on Commerce, and that they would consider it in all its aspects, and present a report on which the House might act with deliberation. it was a great and important change which was proposed to be made in the condition of the seamen of the United States. He had said it was a great and important change; great and important in the present state of things, and which might become much more important from day to day by a change, not in our own condition, but in that of other nations. He had his doubts, therefore, whether this resolution was not too extensive. If, however, a report was made by the Committee on Commerce, they would present their views fully on the subject. He had his doubts whether it was expedient to repeal all the laws for the protection of American seamen. He doubted very much whether, even in a state of peace, American seamen ought not to be furnished with some document or paper, constituting their national character, which should protect them over the surface of the globe. He did not know but that, in the present condition of the world, American seamen might cross over the ocean without any serious danger from wanting such a document; but inasmuch as they had been possessed of such a document for more than forty years, he had some hesitation in abolishing it altogether, lest thereby that very useful and important class of men should lose the protection which was afforded them by that document, when distant from their country.

The world, or at least the United States, had been at peace for upwards of twenty years; and there might be gentlemen in that House who did not know what was the origin of the protection which it was now proposed to take away. It originated in the practice of impressment by the British Government in time of war; the practice of taking out of all vessels every seamen whom the officers of the British armed ships might think proper to con-

sider as a British subject. The United States had endured this national indignity, and our seamen had endured this heavy affliction, for a period of five-and-twenty years, during all the wars of the French revolution; and all these laws had been founded upon the practice of the British Government, by which, from the moment it entered upon or projected a war, the King, by an order of council, authorized his officers on the sea to take British seamen wherever they were to be found, without regard to their condition, without regard to their rights, and without regard to the engagements by which they might be bound. This order of the British council was not legal, even in England, in time of peace; but the King, by his prerogative, had the power of making war; and whenever he projected any thing like hostilities against another nation, from that moment an order of council was issued to take British seamen, wherever they were to be found, from all American vessels. By this order, for twenty-five years, every seaman whom the officer sent to search or examine our vessels chose to consider as a British subject was taken, and the only check or counteracting influence ever enjoyed by the United States was this very same protection which it was now proposed to take away. It was introduced as an expedient for saving native American citizens, or naturalized American citizens, from being taken away in this manner, and impressed on board the British ships of war, to serve the King of England for an indefinite length of time; to expose their lives in his wars, and to be entirely deprived of that protection which their country owed them. Now, he hoped that, if the resolution passed, and was considered by the committee, they would consider it with very serious reference to this state of things; and that, if all the laws of protection were to be repealed, they would provide some substitute by which the American seaman should still be protected. He hoped it was not the intention of the gentleman from New York [Mr. Cambreleng] to take from the seaman the actual protection of his country.

[Mr. Cambreleng explained that the *role d'equipage*, which every master of a vessel took from the custom-house, was a sufficient protection to the sailor when on the ocean. He did not see that any American seaman could require a greater protection. The law of the land expressly provided that no seaman should be discharged a broad; on that score, therefore, there was no difficulty. It was not his design to take away any protection from seamen; he wished only to relieve them from a grievous tax, if it could be done without impairing any important principle.]

Mr. Adams, in continuation, said it had not been his intention when he rose to oppose the resolution, nor did he mean now to oppose it; but he did mean to remind the House that a proposition thus made was a proposition involving a question of peace and war; and it was a question of peace and war with no less a Power than Great Britain; and he hoped that the committee would view the subject with reference to that *role d'equipage* which the gentleman from New York declared to be a sufficient protection. Did not that gentleman know that there was not an officer in the British service who would look upon it as any more than a piece of waste paper? If the order of council, authorizing this impressment of seamen were issued to-morrow, and it infallibly would be issued in case Great Britain was arrayed against any maritime Power—against France, Russia, Sweden, Denmark, or any other Power—I ask the gentleman what good his *role d'equipage* would do to protect an American citizen, native or otherwise, against that order? It would be no protection at all. But the British officers would ransack every vessel of the ocean, and would take out every able-bodied man whom they chose to say was a British subject. And what would we do? We would remonstrate; we would instruct our minister in England to remonstrate; and we would cavil and quarrel as we did twenty-five years ago; and, finally, we would come to a war. That was the cause of the war; there never would have been a war but for that cause; it was a war as righteous as was ever waged on the face of the earth; and, much as he abhorred war upon earth, he hoped it would come in less than twenty-five weeks, if a seaman should ever again be taken out of an American vessel. That was the cause of the war.

Twenty-two years had now elapsed, during which, in time of peace, the United States had been constantly endeavoring to settle this matter with Great Britain, and had never been able to do so. The United States had made war, and had been obliged to make peace, without remedying the evil. Would they, then, now take away this protection from an American seaman, not perhaps very necessary, yet it might be very proper in time of peace? This was a proper subject for inquiry by a committee. But he wished especially to caution the House against the abolition of that particular protection, without something were substituted which would secure the seaman on the ocean. As to the fees which the seaman paid for the protection, he (Mr. A.) would vote for their abolition at this time; but, under the color of relieving the sailor from that trifle, he was not willing to take from him that which was a talisman to carry him safe through the world, against the practice of the British Government (and he did not wish to bandy words or to qualify the truth) of seizing seamen upon every occasion to serve the British King; and, under the pretence that he spoke the same language, taking it for granted that every stout able-bodied American seaman was a British subject. He wished to say no more, nor did he wish to oppose the resolution.

Mr. CUSHING said he did not rise for the particular purpose of opposing the adoption of the resolution. Indeed, he thought some inquiry, upon a point closely connected with the present, not undesirable. He referred to the provision of the law requiring the employment in the merchant service of a certain proportion of American, as distinguished from foreign, mariners. Owing to causes not immediate only, as implied in the remarks of the gentleman from Rhode Island, [Mr. Pearce,] not temporary only, but permanent in their operation, there is a deficiency of seamen for the supply of our mercantile as well as our military marine. Not only does the difficulty exist, but it operates unequally in the different parts of the United States. At some custom-houses, as he (Mr. C.) had had occasion to know in his own business, there is more rigor in the administration of the law in this respect, in others less; which gives a sensible advantage to the commerce of those ports where the most liberality is manifested. It might deserve consideration whether some relaxation of the existing laws in that particular may not be proper and expedient. There certainly could be no serious objection to having the subject examined by a committee.

But (Mr. C. said) he wished to object most distinctly and emphatically to the reasons with which the gentleman from New York [Mr. Cambreleng] advocated the passage of the resolution. He entertained views the very opposite of those which that gentleman had expressed.

The gentleman from New York says a protection is not necessary to the seaman, because the *role d'equipage* will indicate his citizenship. But is not the *role* a secondary piece of evidence only, made up from the protections themselves? And what foreign officer, then, would receive the *role* as conclusive proof of the citizenship of any individual whose name happened to be borne upon it? Beside which, the individual needs a document which may accompany his person. But the *role d'equi-*

page belongs to the ship. The individual seaman may be discharged. His contract of service may expire in a foreign port. The ship may be wrecked. And what, then, becomes of his protection? Is it not self-evident that he should have a separate document to prove his citizenship, to accompany himself wherever he navigates the sea?

But Mr. C. had a still graver difference with the gentleman from New York. He [Mr. CAMBRELENG] seems to think there is something discreditable, either to the country or the individual, in the fact of the latter bearing a protection. Is not this a most mistaken view of the subject? I heartily rejoice, (said Mr. CUSHING,) in common with the gentleman from New York, that a series of brilliant naval victories, during the last war, has vindicated the honor of our flag in this matter; and I trust we shall never cease to maintain the same controversy with equal decision and triumph. But is it dishonorable to carry a protection? By no means. How stands the fact? If an American citizen desires to travel to foreign countries, he sends to the Department of State, and, upon proof of his citizenship, obtains a passport; if a seaman desires to pass on the ocean, he repairs to an officer of the customs, and on similar proof obtains a protection. The things differ in name; in substance they are one. Each of them is a certificate, signed by some officer of the Government authorized by law, attesting the citizenship of the individual named and described in the document. Is it any disgrace to the United States to give, or the citizen to receive, such a document? Surely not. The protection is to the mariner at sea what the passport is to the landsman on shore. Am I (said Mr. C.) dishonored by bearing such a document in foreign lands or in distant seas? On the contrary, is it not matter of pride, as well as convenience, that, armed only with a paper bearing the seal of the United States, I may travel the earth over, secure, in every place, of the protection of the ministers of my country, of the good-will of the functionaries of countries allied with us, and, if need be, of the guns and whole public force of the republic to vindicate any injury done to my person? That I may go unharmed throughout the world, under the magic influence of the broad seal of the United States?

One thing, in this connexion, (Mr. C. said,) deserved the interposition of this House. The landsman, though probably better able than the mariner to pay for his passport, obtained it from the Department of State free of cost. The seaman ought to have his free of cost. The fee paid by him to the customs for his protection ought to be immediately abolished, and then the situation of all citizens, in this particular, would be equal. And he should insist, if the resolution was to be adopted, on amending it to this effect.

Mr. CAMBRELENG expressed his astonishment at what had fallen from the honorable gentleman, [Mr. CUSHING.] This was the first time he (Mr. C.) had even heard that protections were given to our seamen with a view to their convenience when on their travels in foreign countries.

He must express his astonishment at the pertinacity with which some members still persisted in holding allegiance to the British flag. The protection referred to had nothing to do with travelling in foreign countries. Every captain of a vessel was bound by the law to pay three months' wages to a seaman if he left him in a foreign port, if in an island where there was no consul of ours residing; yet a captain dare not leave any of his hands, because the owners of the vessel are liable. No protection is necessary to the seamen for these purposes, and, therefore, the tax imposed upon that useful class is both odious and unnecessary. That tax (Mr. C. observed) was not merely twenty-five cents, as the honorable gentleman [Mr. CUSHING] had stated; on the contrary, it was more than a dollar. As to the origin which had been assigned to these protections by the honorable member from Massachusetts, [Mr. J. Q. ADAMS,] Mr. C. desired that our flag alone should be a protection to our seamen, and not a paltry slip of paper, for which they were made to pay an onerous and odious tax. This was the chief cause of the last war, namely: that our flag was not itself alone a sufficient protection, that it was not sufficiently respected. But as to whether these protections could operate in warding off the calamity of war, Mr. C. ridiculed the idea. He (Mr. C.) must beg the honorable gentleman's pardon, [Mr. J. Q. ADAMS,] but really he must say that he [Mr. A.] appeared to him ever on the alert to watch each little speck upon the horizon, and make it out as if it were a cloud portending war; he [Mr. A.] could see nothing before him on that horizon but war and blood. These laws (Mr. C. said) he had thought for years past were unnecessary, and ought to be repealed; he hoped, therefore, they would be totally abolished.

The question was then taken on agreeing to the resolution as modified, and determined in the affirmative.

EXECUTIVE DEPARTMENTS.

Mr. WISE's resolution for the appointment of a select committee to inquire into the conduct of the different departments, together with Mr. PEARCE's proposed amendment to the same resolution, were the first thing in the orders of the day.

The resolution having been read, Mr. CAMBRELENG moved that its consideration be postponed till Thursday next, in order to take up several bills which he deemed of great importance.

Mr. DUNLAP protested against the further postponement of a decision upon the resolution. For weeks he had wanted to call the attention of the House to the business of his constituents, when its proper order should bring it up; and he was against interrupting the regular order of business in the manner proposed, to favor any particular bills before the House. Here was a resolution, he said, to which no member of the House ought to object, and least of all ought the friends of the administration, which had been attacked, and ought to court inquiry into its conduct, to resort to this expedient of postponement to prevent action upon it, &c.

Mr. CAMBRELENG repelled the charge of postponing this resolution in order to evade the question of inquiry. Not only in this, but in the last session, he had voted affirmatively on every question involving an inquiry into the affairs of Government; the only object he now had in view was the public benefit, as several bills relating to appropriations of immediate necessity were waiting to be passed. If, however, the House should seem to desire it, he (Mr. C.) would withdraw his motion to postpone.

The House was proceeding to the debate upon this resolution, when

Mr. PICKENS observed that, as he did not see the honorable mover of this resolution [Mr. WISE] in his seat, and as that gentleman, no doubt, would be anxious to watch the progress of the debate, and perhaps might wish to make a reply to what had been opposed to his resolution, perhaps it would be according to parliamentary use, and respectful to the mover, to postpone the subject until his return. He therefore moved that it be made the special order of the day for Thursday next.

At the suggestion of Mr. HARPER, Tuesday next was substituted, it being doubtful whether Mr. WISE would be in his seat on Thursday.

Mr. BOON hoped the consideration of this important subject would not be postponed another hour; for if it were much further postponed, it would be too late in the session to obtain the information to be called for.

The question of postponement was then put; and a division being called for, there appeared 98 for the postponement, and 51 against it. So the further consideration of the subject was postponed, and made the special order of the day for Tuesday next.

THE MINT AND COINAGE.

The House then again resolved itself into a Committee of the Whole on the bill concerning the mint, (to consolidate all existing and some other regulations concerning the mint and coinage)—

The question being upon the motion of Mr. HARPER to strike out 140 grains, (the proposed weight for the new cent,) and insert in lieu of it 168 grains, (the weight of the present cent.)

The debate on this proposition was resumed, in which the motion was opposed by Mr. CAMBRELENG and Mr. McKIM, and supported by Mr. HARPER, and at more length and with great earnestness by Mr. ADAMS.

The motion of Mr. HARPER was finally agreed to without a division; and Mr. ADAMS then, as the section had been amended, withdrew his motion to strike out the section respecting copper coin.

Mr. HARPER then moved further to amend the bill so to reduce the minimum amount of gold and silver bullion receivable at the mint for coinage from two hundred to one hundred dollars; in support of which he made some cogent observations.

Mr. CAMBRELENG made no opposition to this motion.

The motion was agreed to, *nem. con.*

Mr. ADAMS then moved to amend the bill so as to raise the proposed weight of "the dime, or tenth part of a dollar," from 40 to 41¼ grains, so as to make it correspond in weight with the weight of the new dollar, (412½ grains.) Unless this amendment was made, Mr. A. said, the bill would include the absurdity of declaring that the tenth part of 412½ was 40! Mr. A. protested, besides, against this debasement of the dime, one of the most useful of our coins, because it was entirely at war with the decimal system, as well as tending in practice to introduce confusion into the currency.

Mr. CAMBRELENG inclined to agree in the propriety of this amendment, being as much opposed as the gentleman from Massachusetts to depreciating the coin. The reduced weight had been introduced into the bill at the suggestion of the director of the mint, from a desire that these coins should be kept in circulation by being made less liable to be exported or melted up, and also because the coinage of small coins was more expensive to the mint than of the large.

The amendment moved by Mr. ADAMS was agreed to without a division.

The mint bill was then laid aside; and

The bill (before the same committee) for making further appropriations for the suppression of Indian hostilities was taken up and read through, no objection being made to it.

Both the bills were then reported to the House; and the amendments to the mint bill were immediately taken up for consideration.

The question being on concurring in the amendment which strikes out the provision making cents and half cents a legal tender for all sums less than a dime, it was opposed by Mr. GILLET, who maintained that if the coin was made, it ought to be a legal tender to some amount; if for no more, at least for half a dime; and he made a motion so to amend the bill.

Mr. ADAMS, suggesting that this amendment had been introduced on the motion of a gentleman now absent, proposed on that ground to postpone the further consideration of the bill, unless gentlemen would consent to let the bill pass as amended.

Mr. GILLET's opposition, however, was overruled by the House; and the amendment made in Committee of the Whole was concurred in by the House: Yeas 86.

Mr. GILLET then moved to strike out the 12th section, (being all that part of the bill which establishes the weight and value of the copper coin.) The motion was negatived, without a count; and

The bill, as amended, was then ordered to be engrossed for a third reading.

The Indian hostilities appropriation bill, as well as the bill making appropriations for payment of the revolutionary pensioners, were then also ordered to be engrossed for a third reading; and

The House adjourned.

WEDNESDAY, DECEMBER 28.

POST OFFICE IN NEW YORK.

Mr. GIDEON LEE submitted the following:

Resolved, That the Committee on the Post Office and Post Roads inquire into the necessity of erecting or otherwise procuring a fire-proof building in the city of New York, for the use of the Post Office Department as a post office.

The resolution having been read,

Mr. LEE said he knew well the impropriety of appending an argument to a subject-matter on reference to a committee for inquiry, but he desired the House to indulge him in saying a few words in this case. It was known to this House that an immense correspondence centres in the city of New York; the amount of property enveloped in this correspondence is very great—the bank notes, bills, foreign and domestic, executed and unexecuted contracts, papers emanating from the courts of judicature, and other public documents—and although all *in transitu*, the aggregate amount always at rest in that office, and liable to conflagration, is incalculable. It is true that the comparatively isolated position of the present office renders it more safe than many other locations would be, but by no means secure.

Mr. Speaker, from causes beyond the control or the guidance of the people, that city, more than any other, has suffered by fire; and I fear the appellation of "the city of fires," which some have been pleased to style it, is not so great or so strained a misnomer as we could wish it to be.

I compute the ownership of the property in that office, by the best data within my reach, to be about one seventh or one eighth part in the citizens, and the great balance is owned by the people of all the States, from Louisiana to Maine, from Missouri to Virginia. The loss of that kind of property, gentlemen know as well as I do, is irreparable. No man can be more careful or more faithful than Mr. Coddington, the present incumbent there; but no care, no measures, short of a fire-proof building, will insure security.

The resolution was then concurred in.

FOREIGN CONSULS.

Mr. VANDERPOEL submitted the following, which was read:

Resolved, That the Committee on Foreign Affairs inquire into the expediency of abolishing the offices of agent of claims at Paris and London.

Mr. V. said he had a single word to say in regard to this resolution. It would be remembered that we had for years gone on and paid to the consuls at London and Paris each $2,000, as agents of claims. He could not learn that there was any law in the statute book to create this office of agent of claims. Although there may, originally, have been some American citizens, to require some agency from the consuls at London and Paris, yet he was not aware that there remained any

more claims longer to justify this allowance. At all events, he wanted the thing called by its right name. If you say you will allow to each of these consuls $2,000 per year, as consuls, be it so; but call them not agents of claims. It would be recollected that last year we passed an act for the relief of the consul at London, by which it is said that about $3,500 is annually to be allowed to him for office rent, clerk hire, fuel, &c. This, in addition to his $2,000 as agent of claims, and his fees of office, making his income nearly or quite equal to that of your resident minister. He felt it his duty to call the attention of the House to this subject.

EXTENSION OF THE PENSION SYSTEM.

Mr. TAYLOR submitted the following:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of amending the third section of the act entitled "An act granting half pay to widows or orphans, where their husbands or fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes," approved July 4, 1836, so as to extend the provisions of that section to all widows of officers and soldiers of the war of the Revolution whose husbands were entitled to a pension, excepting cases of second marriage after the termination of the war.

The resolution having been read, Mr. T. addressed the House as follows:

Mr. Speaker: Before taking the question on this resolution, I ask the indulgence of the House while I submit a few remarks. I had prepared a resolution, instructing the committee to inquire into the expediency of extending the provisions of the act to those widows of officers and soldiers of the war of the Revolution whose marriage took place previous to the close of the war; whereas the act of the last session gives a pension only to those widows whose marriage took place previous to the expiration of the last term of military service of their husbands; but having received some communications upon the subject, and upon further reflection, I have been induced to alter it in the manner as now presented. I have done so from a deep conviction that if there is justice or propriety in extending the pension system to the widows of pensioners, as now provided by law, there is equal justice and propriety in extending it in the manner proposed; and, indeed, sir, I may say there would be great injustice in withholding it.

The act which it is proposed to amend, I believe, passed without opposition, or at least with great unanimity. There was manifest in the House a strong disposition to extend the pension system to the aged widows of the soldiers of the Revolution; and I am inclined to the opinion that, if more time had been allowed, more deliberation bestowed upon the subject, the act would not have been as limited in its provisions as it now is. I believe I may say, without fear of contradiction, that no legislation by Congress meets more decidedly and cordially the approbation of the people of these United States than does that which extends the liberality, the justice, of this nation to that class who yet linger among us, and who were participators directly, or even indirectly, in the privations, the sufferings, and the sacrifices, of the war of the Revolution; and I rejoice, sir, that it is so; for it indicates that deep and abiding gratitude which flows from a just sense and due appreciation of the great benefits which they obtained, a cherishing of the principles which they taught, and a veneration and attachment to the institutions which they established. This truly American feeling may well be indulged, and should be gratified, especially as we have so abundantly the means of gratifying it; for, while it confers upon the aged and worthy remnant of a race of patriots and heroes some just reward for meritorious services and sacrifices, it cherishes and cultivates those sentiments of respect and attachment to the political doctrines and principles of a purer age, which tend to the security of freedom and the safety of the Union. And why, sir, have you extended your pension system to the widows of those who were entitled to a pension? It is because they, too, have made sacrifices in the cause of their country; it is because they have endured hardships and encountered dangers for their country's freedom; it is because they have united their fortunes and identified their interests, from early life, with those who fought your battles. It is because of the encouragement which they gave and the influence which they exerted—an encouragement which never faltered in the gloomiest period of that war, and an influence which was felt wherever there was a tented field, a battle-ground, or a soldier to be enlisted for the service. The patriotism, the zeal, ay, and enthusiasm of that day, were not confined to those by nature constituted to endure the hardships of a soldier's life, but pervaded all classes of society, and were conspicuously manifested by the gentler sex; no matron or maid, in the proudest days of Spartan valor, would, as the blush of wounded pride mantled on her cheek, have turned with more of scorn and indignation from the coward who had basely fled from the defence of his country, than would the American women of that period have turned from him whose treachery or cowardice had thrown disgrace upon him. And this influence was powerful in the success of the war; it animated the heart, it nerved the arm of the soldier, and prompted him to deeds of daring and of valor.

But, sir, I need not dwell upon the merits, the influence, and the sacrifices, of the American women of revolutionary times; for you have already settled the principle, that the widow of the pensioned soldier of the Revolution is entitled to a continuance of that bounty of the Government which her husband enjoyed; but you have, as I humbly conceive, unjustly confined it to those, and those only, whose marriage took place previous to the last military services of their husbands. And, sir, is this fact, the fact of marriage previous to the last military services of the soldier, so important as to settle the question whether the widow is entitled to the pension which her husband enjoyed? Should that fact, I ask, be the test by which you are to determine the justice or the expediency of continuing the pension to the widow? It appears to me not, sir. Neither do I conceive that marriage previous to the close of that war is the just criterion by which this question should be decided. If the wife of the soldier, while he was perilling his life in the service of his country, was suffering at home many and great privations, and participating largely in sympathy, anxiety, and solicitude for the safety of her husband, and the success of the cause in which he was engaged, is entitled to the inheritance of that annuity which you since, of right, have granted her husband while living, how much less worthy this favor is the widow who, although at that period she might have stood in no other relation than that of the affectionate daughter, the anxious sister, of those who were hazarding all in their country's cause, and who, after participating, perhaps, equally in the sufferings peculiar to those times, at the close of the war united her fortune for life with that of the war-worn soldier, or the affianced maid, whose marriage, from motives or prudence, advice of friends, the perils of the times, and anxiety for the cause in which all were engaged, was deferred until patriotism and valor were crowned, and peace and tranquillity restored to the country? And yet, by your present law, the one is entitled to a pension, while the others are deprived; and the number of this class is not comparatively small. Sir, those days were not so much days of marrying and giv-

ing in marriage as they were of toil, of suffering, and of bloodshed, in a glorious cause; and if the facts could be precisely known, I doubt not it would be found that, with those actually engaged in the service of their country, more marriages were consummated soon after the war than during the entire period of the Revolution; and yet you deprive the widows of all such of that bounty which you bestow upon the others. Is this equal justice? Is it right?

But, sir, my object is not to discuss the question at this time, but merely to bring the subject before the House, with the hope that the committee will give it their immediate attention, and report a bill in conformity to the suggestions of the resolution.

Mr. STORER remarked that the Committee on Revolutionary Pensions had had this subject under consideration, and would report a bill meeting the views of the gentleman from New York.

The resolution was then agreed to, *nem. dis.*

LAND BOUNTY TO OFFICERS OF THE LATE WAR.

Mr. HARD offered the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law for granting to each of the disbanded officers who served in the late war with Great Britain a quantity of land, according to rank, as a remuneration for sacrifices and services rendered by them in that war.

Mr. WILLIAMS, of North Carolina, said he was opposed to the adoption of the resolution. It held out, as he thought, delusive hopes to the officers who had served during the late war. A similar proposition had frequently been submitted to the House, but had never been favorably received or acted upon, so far, at least, as his recollection went. He thought that it would be utterly inconsistent with the duty which the House owed to other classes of our citizens, to grant lands according to the terms of this resolution. What claims had these officers on the Government? Had a bounty been promised to them when they entered the service, or had they at any time been induced to believe that such a bounty would be given? There was no law authorizing such an expectation, or justifying such a belief. Why, then, should the hope be held out? Did gentlemen propose to give these officers a gratuity? for it amounted to that, and nothing else. If a bounty was proposed at all, let it be extended to those who were deserving of it; deserving, he meant, on the score of necessity. How many people were there within the limits of the United States who would be entitled to it, on the score of necessity, much more than these officers? He hoped no such resolution would be adopted. If it was adopted, he hoped the committee and the House would both reject the proposition. The resolution held out delusive prospects, and for this reason he was opposed to it.

Mr. HARD said he hoped the resolution would be allowed to pass without opposition, because it was a mere resolution of inquiry. He was compelled to differ with the gentleman from North Carolina as to the manner in which these propositions had been received by the House at various times.

Mr. H. was understood to say that the proposition had received the favorable report of two committees of two Congresses, although the bills which accompanied the reports had never passed. The reason was, that it came up at a period of the session when there was not time to act upon it. He would not now, however, enter into the merits of the case. He did not know but what, if a proper investigation should be made by a committee, he might himself oppose the proposition, although his present impressions were now favorably inclined towards it. The country was now in a situation to compensate those individuals who had served it during the period of its travail and its perils. Probably the very reason why the bounty was not granted before was, because the country was in debt and unable to grant it. But now, when our Treasury was full to overflowing, and the only question was how we were to dispose of our money, and when there was such a struggle for the distribution of public lands among speculators and those who were not worthy of them, he thought the time had come when an investigation ought to be made, with a view to ascertain whether or not it was right to do something for the class of men referred to.

Mr. A. MANN said that, generally, he was in favor of the views which had been expressed by the gentleman from North Carolina, [Mr. WILLIAMS;] but, on the present occasion, he thought his [Mr. W's] views were too rigid. In every emergency of our country, Congress had liberally appropriated lands to the officers of our army. Was not Congress every year legislating for officers of the Virginia line? Congress had granted lands to the soldiers of the last war; should it be refused to the officers? He did not say he was in favor of the proposition; but he was in favor of inquiry, and of having all the information which the industry of the committee could collect, so that the House might better ascertain whether the bounty should be given or not.

The policy of every State had been to reward, with a liberal hand, those who had perilled their lives in defence of their country. What was it that nerved the arm of the British soldier in time of danger and of battle? It was the knowledge that, if he fell, his country would provide for his wife and his children. Mr. M. hoped the resolution would be adopted.

Mr. HARDIN was in favor of an inquiry into the subject. The officers of the revolutionary war, it was well known, had been but badly paid, in a depreciated coin, of little or no value; and, to induce them to continue in the service, the State of Virginia, in the year 1779, had given lands to those who were willing to serve to the end of the war. That State, with what policy he would not say, but with great liberality, had ceded to the United States nearly all the lands which she owned, and she was unable to comply with her contract. Under these circumstances, the United States had thought it their duty to pay the debt which Virginia had contracted. But, as regarded the officers of the late war, they were paid in a sound, substantial, solid currency. Mr. H. here specified the particular mode of payment, &c.

Had any promise been made of this bounty? None. Was the Government under any obligation to give such bounty? None. The United States had complied with their agreements, and had paid these officers liberally.

Mr. H. thought that, if bounty lands were to be thus given to the officers of the regular service, they might as well be extended to officers of the militia. He would venture to say that, if this system of giving bounty lands was once commenced, there would be no trouble hereafter about the surplus revenue, nor any necessity to hunt out articles on which to reduce the tariff. He hoped that the gentleman from North Carolina [Mr. WILLIAMS] would withdraw his opposition, and let the inquiry be made. But when the subject came up for discussion, the gentleman from New York [Mr. MANN] would find that he (Mr. H.) had not taken a new view of radical principles.

Mr. CRAIG thought that, if the inquiry was permitted by the House, the impression would be spread abroad that Congress would give this bounty. It would be much better to reject the proposition decisively, than to hold out delusive hopes. He was therefore opposed to the inquiry. As to the character of the officers of the late war, he had nothing to say. But the question was, ought Congress to give this grant on grounds of

policy? Did good policy, or a compliance with any compact, require it? Certainly not. Nor could it be given, as in the case of Virginia land warrants, on the supposition that there was a scarcity of officers. Such, it was well known, was not the fact. He moved to lay the resolution on the table.

Mr. CHAMBERS, of Kentucky, called for the yeas and nays on that motion; which were ordered, and, being taken, were as follows:

YEAS—Messrs. John Q. Adams, Heman Allen, Bailey, Barton, Black, Bockee, Boon, Borden, Brown, Buchanan, Bynum, John Calhoon, Cambreleng, Campbell, Carr, Carter, George Chambers, Chaney, Nathaniel H. Claiborne, Clark, Coles, Corwin, Craig, Cramer, Cushing, Cushman, Darlington, Deberry, Dunlap, Elmore, Evans, Fairfield, Fowler, Fry, Fuller, James Garland, Gillet, Graham, Grayson, Griffin, Haley, Joseph Hall, Hardin, Harper, Haynes, Hazeltine, Hiester, Holt, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Wm. Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Lansing, Lawler, Lawrence, Gideon, Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Love, Lucas, Job Mann, Martin, Wm Mason, S. Mason, Maury, McCarty, McComas, McKay, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Parker, Parks, Franklin Pierce, Pearson, Pettigrew, Phelps, Pickens, Pinckney, Potts, Reed, Rencher, Joseph Reynolds, Richardson, Robertson, Rogers, W. B. Shepard, A. H. Shepperd, Shinn, Sickles, Smith, Standefer, Taliaferro, Thomas, W. Thompson, Turner, Turrill, Underwood, Vinton, Wardwell, Washington, Elisha Whittlesey, Thomas T. Whittlesey, L. Williams, S. Williams—121.

NAYS—Messrs. Anthony, Ash, Ashley, Jas. M. H. Beale, Beaumont, Bell, Bond, Bovee, Boyd, William B. Calhoun, Casey, John Chambers, Chapman, Chapin, Chetwood, Childs, J. F. H. Claiborne, Cleveland, Crane, Davis, Dawson, Denny, Doubleday, Dromgoole, Efner, Everett, French, Galbraith, Rice Garland, Glascock, Granger, Hamer, Hannegan, Hard, Harlan, Samuel S. Harrison, Albert G. Harrison, Henderson, Hoar, Janes, Henry Johnson, Kennon, Klingensmith, Lane, Lay, J. Lee, Loyall, Lyon, Abijah Mann, McKennan, Mercer, Muhlenberg, Patterson, Dutee J. Pearce, Phillips, John Reynolds, Seymour, Shields, Spangler, Storer, Taylor, J. Thomson, Toucey, Vanderpoel, Wagener, Webster, Weeks, White, Yell, Young—70.

So the resolution was laid on the table.

DEPOSITE BANKS.

Mr. GARLAND, of Virginia, moved the following resolution:

Resolved, That the Secretary of the Treasury communicate to this House, if within his power, the dividends and surpluses which were declared by, and the surpluses and contingent funds remaining in, the several banks in which the public money is deposited, for the years 1833, 1834, 1835, and 1836, severally.

The House having agreed now to consider this resolution, a discussion took place on the question whether the inquiry should also extend to the expenses of the banks as well as to their profits; an amendment to this effect having been offered by Mr. GILLET.

Mr. WADDY THOMPSON opposed this amendment. He deemed it of no manner of consequence what the expenses of the banks might have been. The object of the resolution was to ascertain their nett profits, and their expenses would of course be first deducted. If an inquiry of this nature should be instituted, Mr. T. flattered himself it would bring to light a system of corruption so vast and so extensive that no country whatever, be its people ever so virtuous and honest, could possibly stand before such a power of corruption. Mr. T. proceeded to instance the case of a little bank in Michigan, with a very small capital, which bank had received eight hundred thousand dollars of deposite, though not entitled, according to its capital, to more than a very small proportion of that amount. After a few more observations,

Mr. HARLAN moved to amend the amendment of Mr. GILLET by adding as follows: "and that he state also whether the salary of an agent at the seat of the General Government compose a part of the expenses of said banks, the name of the agent, and the several sums paid him by said institutions, respectively."

Mr. HANNEGAN moved to lay the resolution on the table.

A motion to adjourn was made by Mr. BOON, and decided in the affirmative.

So the House adjourned without passing upon Mr. GARLAND'S resolution.

THURSDAY, DECEMBER 29.

NATIONAL CURRENCY.

The House proceeded to the consideration of the following memorial, presented at the last session of Congress, and laid on the table, and again brought to the attention of the House yesterday by Mr. GALBRAITH:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the undersigned, citizens of Pennsylvania, respectfully represents: That we, in common with a large portion of our fellow-citizens, have, for some time past, viewed with some degree of alarm the rapid encroachments of incorporated companies upon the liberties and rights of the people, particularly those established for the purpose of banking. As the system now exists in the several States incorporating companies for that purpose, it destroys, as we conceive, the design of the constitution of the United States, which prohibits the States from coining money, emitting bills of credit, &c. The notes or bills of those banking companies, incorporated by the States, are rapidly taking the place of the constitutional currency of the country—gold and silver—and a continued fluctuation and uncertainty produced in the circulating medium, which the constitution intended should be steady and permanent. Under these circumstances, we beg leave, respectfully, to suggest to the consideration of Congress the propriety of proposing an amendment to the constitution of the United States, for the adoption of the several States, restricting the incorporation of banking companies, and limiting them in their issues of bank notes. We wish not to be considered as asking for any powers being given to Congress to incorporate companies of this description, but simply the restricting of the States. We are opposed to the increase of power in the National Government, or a consolidated Government; but if the system before mentioned be permitted to progress as it has for the last few years, we apprehend the consequences to the community may be serious, and dangerous to the stability of our republican institutions.

Your memorialists beg leave further to represent, that they have understood that the new Bank of the United States, chartered by the Legislature of Pennsylvania, is now reissuing the notes of the old Bank of the United States, in which the United States was a stockholder to the amount of one fifth of the stock; thus unwarrantably and fraudulently, as we believe, involving the faith and credit of the United States, bringing this State into collision with the other sisters of the confederacy, and calculated to produce confusion and disorder in the circulating medium of the country. Your memorialists, therefore, beg leave to call the attention of Congress to

the subject, to inquire whether the fact be as has been reported; and if so, if there are any means in the power of Congress, to prevent such gross and improper practices upon the Government. And your memorialists, as in duty bound, will ever pray, &c.

George Kribbs.	William Parker.
William M. Walker.	Geo. R. Espy.
John Harno, jr.	Wm. M. Smiley.
Daniel Brown.	A. Plumer.
A. Webber.	Chas. W. Mackey.
James Adams.	James Vinnear.
Jacob Dubbs, jr.	John Rynd.
Jonathan Ayres.	Wm. Neill.
John Singleton.	John Martin.
B. A. Plumer.	Thos. S. McDowell.
James Adams.	Robert J. Neill.
James R. Snowden.	John Neill.
James Thompson.	Harrison Wilkins.
Samuel C. Small.	George Sutley.

This memorial Mr. GALBRAITH having moved to refer to a select committee, and the question upon that disposition of it having been stated from the Chair—

Mr. GALBRAITH said: It is with great reluctance that I rise on the present occasion to address the House on presenting this memorial from a portion of my constituents, and asking for it that reference which I have moved. I am aware that the time of this House, at the present period, is precious; but inasmuch as the object and purpose of the memorialists seem to be strenuously resisted by some, and by others not exactly comprehended, I feel myself called upon, by a sense of duty and respect which I owe to them, to submit a few remarks in explanation of the views entertained by the memorialists, as I understand them.

I shall, in the first place, endeavor to show that this memorial, from the source from which it comes, and the subject on which it asks the inquiry of this body, is entitled to a respectful consideration, and a reference to some committee; and, in the next place, I think I shall be able to satisfy the members of this House that the appropriate direction is that which I have proposed in moving that it be referred to a select committee.

Mr. Speaker, the memorial comes from a portion of the respectable and intelligent citizens of this Union, residing in the State which I have the honor, in part, to represent. It is clothed in respectful and appropriate language, and suggests considerations of deep and vital importance, not only to themselves and those of the State of Pennsylvania, but to the whole people of this wide-spread confederacy.

The memorial embraces two distinct subjects of inquiry; either of which, I apprehend, is of sufficient magnitude and importance to demand the grave and deliberate investigation of this body. The first is that of an amendment to the constitution of the United States, to be proposed to the Legislatures of the several States, restricting the incorporation of banking companies by the States, and limiting such as may hereafter be incorporated in the issues of bank paper money. This proposition necessarily involves the inquiry, how far the constitution as it now stands, in those clauses which provide that "the Congress shall have power to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;" "to provide for the punishment of counterfeiting the securities and current coin of the United States," and that "no State shall coin money, emit bills of credit, make any thing but gold or silver coin a tender in payment of debts," contains a prohibition to the States to incorporate companies with authority to issue bank notes, or, in other words, bills of credit, and form an agreement or compact, already made on the part of all the States, not to incorporate such companies. Without expressing, at present, any opinion of my own, or any indication on the part of the memorialists on this branch of the inquiry, I will barely remark that the constitution has been construed, by some of the best political writers and economists this country has produced, as containing such prohibition or compact, (a constitution being neither more nor less than a compact or agreement.) Among those are names intimately connected with the constitution itself. Is there not strong reason to conclude that such was the intention of those who framed the constitution? They had experienced the evils of an uncertain currency; they had witnessed the derangements and confusion of bills of credit issued under the Provincial Government, each province issuing bills of credit, according to its own circumstances, without regard to those of the others, and often very different in quantity and value. And they had also witnessed the no less fluctuation and evil results from the enormous issues and ruinous depreciation of the continental paper. The same clause in the constitution which yields to Congress, the general Legislature for the whole of the States united, the power of fixing the standard of "weights and measures," surrenders to it the power "to coin money, regulate the value thereof and of foreign coin." Is there not the same reason that the standard of value or price should be uniform, and the same throughout all the States, as the standard of weight or that of measure? neither of which would probably be so, or, in the nature of things, could be so, without giving the power of regulation to the National Legislature. The provision was framed and adapted to a state of circumstances as they then existed; the States had, individually, on their own responsibility, and according to the wants or caprices of its Provincial Legislature, emitted "bills of credit," which circulated as money, became the circulating medium of price; and what the price was in one province was not the same in another. Against this, the framers of that instrument provided that "no State shall coin money, emit bills of credit," &c. It did did not, perhaps, occur to them that the States would separately and individually authorize incorporated companies, infuse life into soulless bodies of their own creation, to do indirectly what they were prohibited from doing directly, by the solemn compact agreed to by all.

But, sir, it is true, a different construction has practically obtained in most of the States. Companies incorporated by the different State Legislatures have grown up almost in every quarter, authorized to issue "bills of credit," or paper money, virtually supplying the circulating medium throughout the Union, necessarily and unavoidably varying the standard of value according to the amount and denomination of their issues. In some of the States, they are authorized to issue bills of the denomination of one, two, and three dollars; in others, limited to five dollars, as the lowest denomination; and in others, progress is making to fix ten dollars as the lowest denomination. In some, seven, eight, or ten paper dollars, at times, represent one of specie; in others, two or three; and in all, different at different times, and according as circumstances may operate upon them, the same evils, the same fluctuation and uncertainty in the standard of price, or rather the same want of standard of value, against which the constitution was intended to provide. What is worth nominally $3,000 this year may, through the operations of those companies alone, be worth but $1,000 next. The price of labor and every product or commodity is controlled and governed according to the interests or the caprices of those incorporated companies; and the whole sovereignty, so far as regards the regulation of the currency, is, to all intents and purposes, surrendered to them; and every individual in the community, whether farmer, mechanic, merchant, or manufacturer, placed at their mercy. How far this

state of things has been effected by the active vigilance and constant attention of the speculating few, always awake to their own particular interests, gradually framing and fitting up this complicated and delusive machinery, while the industrious many were better employed, need not now be particularly inquired into; it is sufficient that it exists, and that it does will not be denied by any one acquainted with the affairs of this community. If it be granted, therefore, that the constitution does not prohibit the incorporation of companies by the States, to "emit bills of credit," it is only on the assumption that circumstances, as they then existed, did not require it. Is it not as important now to inquire and provide for a state of circumstances as they now exist as it was then? The evil is the same; and is it not subject to the same or similar remedy? The memorialists do not ask that any power should be vested in the General Government to incorporate banking companies, nor do they suggest an absolute prohibition of such power in the States; the former they expressly repudiate, and do not indicate the latter. All they seek is an inquiry how far good policy and the safety and permanency of the currency, and its uniformity throughout the Union, require that this power in the States should be restrained and limited, to effect the general good of the whole. The importance, the vital importance, of every consideration touching the circulating medium of the country, affecting more or less the interests of every man, cannot be doubted.

If the importance of the subject, sir, is sufficient to entitle it to the deliberation of this House, the next inquiry is, to what committee can this branch of it be most appropriately referred? It looks to a constitutional remedy, a provision in the fundamental instrument itself. None other can be provided. This may and can, as well and as effectually now, to meet the circumstances now, as the constitution already formed provided against the circumstances then. A proposition to amend the constitution is beyond the appropriate and peculiar inquiry of any of the standing committees. It is as broad and general in its character as the Government itself, and appropriate only for a select committee, raised for the purpose; and such has been the invariable practice here, for years, on all such propositions. Why, then, should not this proposition receive a similar direction with all others of a similar character?

The second subject of inquiry, Mr. Speaker, to which your attention is called by the memorial, is that of the reissues of the notes of the Bank of the United States, since the expiration of its charter for all purposes except that of continuing its corporate name, to use and be used in order to close up the concerns of the institution. Notes issued by that bank, while this Government was a stockholder to the amount of seven millions of the stock, previous to the 4th of March, returned for redemption, and redeemed, it is said, have been again issued and thrown into circulation. It is perhaps known to the members of this House that, in the month of February last, shortly before the expiration of the charter under the act of Congress of the 4th of March, 1816, by which it was incorporated for twenty years, an act of the Legislature of the State of Pennsylvania was passed, incorporating the same stockholders, except the United States, under the same name, and with the same amount of capital, thirty-five millions, for thirty years. One set of officers were elected for the old bank, in which the United States is a stockholder of seven millions, and a set of officers, being many of the same, for the new State bank, in which the United States is not a stockholder. The now president of the old bank, (Matthew L. Bevan,) I believe, is a director of the new bank; and the former president of the old bank, now president of the new one under the State, (Nicholas Biddle,) I believe, is one of the directors of the old bank. Several of the directors of the old are also directors of the new one, so that they may for all practical purposes be considered as the same men, although constituting two different boards of direction. Their legitimate duties are distinctly different. The proper business of the officers of the old bank is to wind up its affairs, to call in the notes of that bank, redeem from its proper sources the funds of the old bank, and cancel the paper as having been returned and redeemed. The business of the new bank is to issue its own notes, on the responsibility of its own officers and its own stockholders, unconnected with the old bank, in which this Government was a large stockholder. Now, if the officers of the old bank, many of them being the same individuals as the officers of the new one, instead of cancelling the old notes when redeemed, reissue the same through the new bank, as the President of the United States justly observes in his last annual message, it is either a fraud upon the Government or upon the people. If the notes are to be redeemed a second, third, or fourth time, out of the funds of the old bank, what can it be but a downright fraud upon the Government, being a stockholder and a sharer in those funds, and not in those of the new one? The funds of the old bank must, of course, now become exhausted; and the Government, instead, of receiving her just proportion of the stock and profits, suffer the loss of having them applied to the redemption of the same notes which had been over and over again redeemed before. If the reissued notes are to be redeemed out of the funds of the new bank, the holder has not the security for their redemption which the notes purport to give; or, rather, he has no security at all; they were a gross and palpable deception upon him. The old bank, with the Government as a partner, bound in good faith and honor, whose notes they purport to be, and whose credit they bear, has once redeemed them, and therefore ought not to be bound again. The new bank is not bound for their redemption, because they are not its proper issues, and its obligation is not given, and it could not be made legally liable. It is true that, as long as it is the interest of the new bank to redeem such reissues, they would most probably be redeemed; but should an honest holder of such notes be subject to the mere will of such an institution, to decide whether he should receive his just debt or not, and be made to depend upon its interest, whether he had or had not a good security for payment? Such a conclusion would be cruelty. If such reissues consist of notes of the denomination of five dollars, they are a glaring evasion of the provisions of its State charter, which prohibits its issuing notes of less denomination than ten dollars.

Sir, shall we, the representatives of the people, so far as this Government is concerned, sleep and slumber at our posts, and look calmly with indifference upon a practice such as this, both upon the Government and upon the community? Shall it be said that there is no remedy in the power of Congress? That we have nothing to do with the State institutions of Pennsylvania? I admit that, so far as regards the State bank issuing its own notes, upon its own responsibility, we have nothing to do with it, and have no control whatever over it; but I am not prepared to admit that such is the case with regard to the old bank, chartered by Congress, and its officers. Although it has ceased for some purposes, that of discounting notes and issuing its paper, &c., it still exists for other purposes, that of winding up its affairs, settling with its debtors, creditors, and stockholders, and redeeming its floating paper, and still under the regulation of the power which gave it birth. Were the act of 1816, granting the charter, even silent on this subject, it would follow, as a matter of course, that the mode and manner of winding up its concerns should be placed

under the direction of Congress; but that act contains an express provision, in its 17th section, "that Congress may, at any time hereafter, enact such laws, enforcing and regulating the recovery of the amount of the notes, bills, obligations, or other debts," &c.; and this power exists as well after the expiration of its charter, for the purpose of a final settlement and liquidation of its affairs, as before. Is it not, then, competent for Congress to legislate so as to regulate and control, and even punish the conduct of the officers of the old bank? And if they so far mismanage its affairs as to authorize or permit its notes to be reissued and put again into circulation, after they have been once redeemed, I ask if it is not a fair and legitimate subject for the legislation of Congress, and one which demands our serious and grave deliberation? Again: at the last session of Congress, an act was passed authorizing the Secretary of the Treasury, as the agent of the Government, to settle the claim of the United States, as a stockholder, with the bank. By his report, which has been laid upon your tables, it appears that duty has been discharged, as far as it could be on his part; but no satisfactory information has been given by the officers of the bank how much is due to the Government, or when or in what manner it shall be paid. Instead of settling up the affairs of the institution with the Government, its largest stockholder, now no longer a stockholder, according to the provisions of the act of Congress of last session, we find its officers, (if what is said be true, and it has not been denied,) being also officers of the new bank, practising a gross fraud upon this Government and this nation, treating with neglect and contempt your agent authorized to settle with them; and its president, at the head of the great broker fraternity, commencing an unprovoked attack and making war upon the measures of your administration. I do not deisre that the proposition I have made should be drawn into a partisan discussion or assume a political character; it is one which affects the great interests of the country, and in that light only do I wish it to be considered, and in that point of view it must be apparent to every one as demanding mature and grave consideration, as well as prompt and decisive action. I am aware that it opens a field for discussion, upon which much might be said, to show the extent and depth of the evil, the various remedies which might be proposed, either those operating by mere inducement, or those by direct provision or legislative sanction. But I think I have said enough on this mere question of reference; it is time enough to go into more detail when the subject is referred, and brought back again on some distinct proposition.

Then, to what committee should this branch of the subject embraced in the memorial be referred? It may be said that all subjects relating to the Bank of the United States have already been committed to the Committee of Ways and Means, in the disposition of the President's message. But, sir, it is well known that the appropriate and legitimate duties of that committee are of a financial rather than a judicial or general character—to take into consideration propositions relating to the revenues of the country and appropriations of money. This part of the memorial seeks for legislative remedy against a supposed evil of a general nature, not peculiarly affecting the revenue, but the community at large; rather of a judicial than financial character, but partaking partly of both, and therefore not exclusively appropriate to either, but the proper subject for a select committee, more broad and general in its inquiries.

I have said thus much, by way of explaining the views and objects of the memorialists. I have endeavored to discharge my duty to them, as well as to the nation whose interests I am bound, as far as my feeble abilities will enable me, to serve, and whose constitution I am sworn to support. I have sought to give to the memorial the direction to which I thought it, from its importance and peculiar character, entitled. If its purpose be comprehended, I am satisfied. It remains for the House to give to it that disposition to which it may be thought entitled.

Mr. LINCOLN said that he hoped no such reference as had been proposed would be given to the memorial. His attention had been casually drawn to its character, and he trusted that, before any disposition was made of it, it would be better understood by the House.

The gentleman from Pennsylvania [Mr. GALBRAITH] had said that the memorial was of a various character. He (Mr. L.) believed that, when analyzed, it would be found to be of a very extraordinary character. Such an appeal, he would venture to say, had never before been made to the consideration of Congress. It was altogether peculiar and anomalous. It had been brought up from the files of a former session; and from an abstract of the contents of the paper, as given in the Globe of this morning, the House might learn something of its object.

It was his (Mr. L's) intention, before he sat down, to propose so to amend the motion of the gentleman from Pennsylvania as to send the memorial to the committee already appointed on the subject of amendments to the constitution of the United States; for it seemed to him to belong more properly to one of those pigeon-holes kept in reserve for matters of this description, than to the custody of such a committee as the gentleman from Pennsylvania had in view. From the manner in which the subject is now brought forward, as well as from the place of its origin, he feared there was something concealed and sinister to be accomplished. He asked the attention of the House to the character of the paper, as given in the abstract to which he had referred. It commenced with a lamentation on the encroachments of incorporated companies upon the rights and liberties of the people, and especially insists upon the danger to personal rights and civil liberty from the practice of the State Governments to create banking institutions. This is no less than an arraignment of State legislation. The wisdom if not the purity of the State Governments is impeached at the bar of this House, and that authority and discretion which have been exercised for nearly half a century, in the constitution of incorporated companies, comes now to be denounced as an abuse of power, dangerous to the liberties of the people. By whom (asked Mr. L.) is the power which is thus complained of exercised, and from whom is it derived? By the immediate representatives of the people, deriving all their authority directly, by delegation, from the people themselves. The complaint is a libel upon the good sense, the virtue, and the patriotism, of the country. And was it true that there existed in every part of the Union incorporated companies, which were continually encroaching on popular rights, while only some twenty individuals in the State of Pennsylvania were heedful of the danger, and all the rest of the community unconsciously slumbering over their injuries? The suggestion was unworthy of serious notice.

But (proceeded Mr. L.) these pure-minded and patriotic memorialists do not rest their allegations upon mere generalities. They point out to the attention of this House the specific violations of the constitution which State legislation has committed. The creation of banking corporations, say they, contravenes that provision of the constitution which prohibits the States from coining money and emitting bills of credit. National sovereignty is thus invaded, and the safeguards of the people violated! Surely the objection is presented here for the first time at rather too late a day for the intervention of the power of Congress to a prevention of the

evil, if the application of that power could even have been so directed. Singular, however, as was the objection, when addressed to the consideration of this House, it had not altogether the merit of novelty. The gentleman from Pennsylvania, in his speech, has seemed, indeed, to give to it the sanction of his countenance. He (Mr. L.) remembered to have read, in the early history of banking institutions in his own State, something of a newspaper argument to the same point; but it had been overruled and repudiated by the judgment of wise and intelligent men, and by the uniform legislation of the States on the subject. Its serious repetition, as a practical rule of action, would now be scouted by every considerate politician in the country. He could not believe that any gentleman worthy of a seat on this floor would attempt to sustain for a moment an argument upon the objection.

But the memorialists complain of the abuses and perversions of the powers of chartered corporations, of the exclusive privileges and monopolies which they confer, and of their encroachment upon the just and equal rights of all the citizens. And what is the measure of remedy which the gentleman from Pennsylvania would propose by his select committee? Most certainly not the exercise of a supervisory authority by Congress over State legislation. This would more directly conflict with the constitution, which guaranties to the States the exercise of all the powers not granted to the Federal Government. If these powers are indiscreetly exercised by the States, redress is with the people; but if the ground of complaint be in the abuse of a limited and delegated authority, conferred by acts of incorporation, the appeal is to the source of that authority, the Legislature itself, or to the Judiciary. In either case, the remedy is not to be found here. It is at home, with the memorialists themselves, and the constituents of those who administer their Government; with the people, and those who are accountable to the people. Congress has no power over the subject. Did the gentleman from Pennsylvania pretend that Congress had such power? And was this the argument upon which this select committee was to be raised?

But he (Mr. L.) was desirous of calling the attention of the House more particularly to another part of the memorial. As if aware that neither the measure of prevention nor redress for existing greivances rested with Congress, these twenty or more memorialists gravely request that the assembled wisdom of the nation would propose to the States an amendment to the constitution of the United States, by which they may be restrained in the exercise of their own jurisdiction and sovereignty. The States were to be called upon to surrender the right which they had enjoyed for a period of time coeval with their existence, and under the authority of which institutions had been created in all the departments of business, and in aid of every important interest in the community. An amendment of the constitution, prohibiting the States from granting acts of incorporation.

Is there a man weak enough to believe that such a proposition would find favor with a single Legislature in the Union; or mad enough, in the present state of the business concerns of the country, to desire its success? What! ask a State Legislature to surrender a portion of its State sovereignty, to deny to itself a salutary power, lest it may be unwisely and unprofitably used; a power now become essential to the prosperity of the people, and without which there could be no security for present possessions, or hope of improvement in the future! But it may be said that the restriction proposed is of banking incorporations only, and the amendment would operate but a partial abridgment of a questionable authority. It is sufficient to reply, that the authority has been claimed and exercised by the oldest States, from the earliest period, and by the youngest almost as the first act of their sovereignty. Both its existence and its exercise have become indispensable to the welfare of the country. As well might the power of enacting municipal regulations be denied to the State Legislatures, as, in the present state of things, the right of granting to the operations of business the facilities of banking institutions be withdrawn. The gentleman from Pennsylvania himself, upon his own responsibility, will not venture to propose it. He adroitly and somewhat cautiously advocates sending the subject to an inquiry only, without suggesting an opinion of what should be the definite result.

But he (Mr. L.) would put it to the House to consider the effect of the proposition. An amendment to the constitution could have no retrospective operation. It could not impair the existence or the powers of banks already created. In restraining the States from further grants, it would but increase the influence and augment the power for mischief, if that was their tendency, as the memorialists assume, of such as were already in being. It would, indeed, be to create exclusive privileges, and constitute, during the continuance of pre-existing charters, odious moneyed monopolies. And was this the purpose the memorialists had in view? He would submit to the gentleman from Pennsylvania to answer.

Mr. L. contended that it was most obvious nothing of legitimate legislation could come of the reference of the memorial to a select committee of this House. The alleged abuses by the State banks, and the supposed danger to public liberty from the existence of such institutions, were subjects not within the cognizance of Congress. They belonged to, and might properly be addressed to the consideration of, the people. The proposition to amend the constitution in the particular pointed out in the memorial was too preposterous to be entertained for a moment. The gentleman who asks the reference will not do himself the discredit to advocate the measure. There must be something, then, in the motive for the presentation of the memorial, at this time, beyond that which meets the eye. A further reference to the document may explain the object--I would not be misunderstood, (said Mr. L.)—not the object of the gentleman, but of the memorialists; of persons not here, but elsewhere. If he recollected rightly the contents of the paper, it conveys a complaint of a violation of law by the Bank of the United States; and hence, probably, the inducement for an appeal to Congress. The Bank of the United States, say the memorialists, has reissued bills before redeemed, and which, by law, should thereafter have been excluded from circulation. What bank has committed this outrage upon public law, and what bills have been thus reissued? The Bank of the United States chartered by the authority of the State of Pennsylvania has reissued the bills of the Bank of the United States chartered by the authority of the Federal Government. Admitting the truth of the accusation, he, (Mr. L.,) upon his responsibility as a lawyer, would tell the gentleman from Pennsylvania that Congress had no power over the matter. He would plead to the jurisdiction. He denied the right of Congress to institute an investigation into the conduct of a bank deriving its existence and holding its powers from State authority, or of inquiring into any of its measures. The Bank of the United States incorporated by the State of Pennsylvania is such an institution. It owes no accountability to the Federal Government, and is amenable to no animadversion from this source. Whether it has issued its own bills, or reissued the bills of other banks, lawfully or unlawfully, it may well deride the authority of this body to take cognizance of the matter. It belongs to the Government of the State, and to that only, in its legisla-

tive or judicial department, to punish any infraction of its charter. If an offence consists in the facts charged by the memorialists, it is not for this House to apply the corrective. Nor can it be urged that the aspect of the case is changed by considering the federal Bank of the United States privy to the reissue of its bills by the State institution; for what rule of law does this violate? Is any gentleman here (inquired Mr. L.) so little conversant with the business of banks as not to know that these institutions are daily receiving the bills of each other, and as freely paying them out as their own original issues? The memorial alleges no agency of the federal bank in the act complained of; imputes no refusal to redeem its paper; charges no neglect of duty, or violation of obligation. What, then, is to be inquired into? That which, if admitted, constitutes no wrong in the corporation subject to your jurisdiction; and, if any crime in another, is entirely beyond your control.

Mr. L. proceeded, at some length, to show that the memorial contained nothing to which the inquiry of a committee could properly be directed, and that its presentation, at this time, was delusive and colorable, intended to cover other and unavowed objects. It is not (said Mr. L.) in my nature unworthily to distrust the motives and suspect the honest purposes of others; and I beg again the gentleman from Pennsylvania to understand that I ascribe to him no improper views in this matter. But there may be those who, it may not be uncharitable to suspect, in the absence of all other discoverable motives, may intend more than the gentleman himself is aware of. It is possible, even, that this memorial is brought up, at this time, not for the purpose of correcting existing abuses, but for party political effect—not here, in this House, but elsewhere—at home, in the country, with the people of Pennsylvania.

This House (continued Mr. L.) need not to be informed that it had been doubted by some gentlemen whether the power of the Legislature of Pennsylvania had been wisely exercised in the recharter, as it was termed, of the Bank of the United States as a State institution. This was a question with which he conceived the House had nothing to do. For himself, he had felt no personal interest in the fate of the old bank, and had no especial sympathy with those who mourned over its destruction; neither did he take any concern, such as the memorialists of Pennsylvania might indulge, in the new institution, which, like a phœnix, had arisen from its ashes. He had understood, however, that a proposition was before the Legislature of Pennsylvania to ascertain under what influences the new charter was obtained. It might aid the purposes of those who instigated that investigation, that a clamor should be raised in the House against the institution. It might be that, by getting up a report by a select committee, distrust was to be thrown upon all similar institutions in the country. It might be that the report of such a committee, properly constituted, would promote essentially the purposes of the inquiry in Pennsylvania. The banks might be discredited, the currency discredited, paper money refused, and the golden age, so authoritatively predicted and promised, confided in. He (Mr. L.) would not say that this was the end intended to be accomplished; but this he would say, there were those who would derive a weight of influence in favor of their opinions from the appointment of the committee, more especially in the event of a certain issue to their deliberations, which it would be most difficult to withstand. He, in short, greatly feared that the mere appointment of a committee, upon such vague suggestions as the memorial contained, would throw distrust over all banking institutions, and take away that little remaining confidence which was still cherished in the soundness of the circulating medium of the country. In this point of view, the subject was certainly deserving of the most serious consideration; and if the object proposed by the gentleman from Pennsylvania was only such as he has avowed, he would respectfully suggest that it might well be effected without giving to the most suspicious occasion for alarm. Let the gentleman accede to his (Mr. L's) proposed amendment to his motion, and send the memorial to the committee appointed to revise the constitution, without particular reference to the objects of these memorialists. If he will not consent to this, let him boldly assume the responsibility of the whole proposition, and offer a resolution declaring the expediency of restricting the States in the power of creating banking corporations, and be himself among the first to ask the consent of his own enlightened Commonwealth to its adoption, and the surrender of its own discretion to the dictation of federal power. If the dangers from banks and other corporations be such as the memorial represents, this will be laying the axe to the root of the mischief; for, by the wholesome reform of denying power to the States, there will be found the most effectual protection from its abuse. The gentleman himself might be hardly yet prepared for the application of so thorough a corrective.

Mr. L. concluded by moving to amend the motion of the gentleman from Pennsylvania by striking out the words "a select committee," and inserting "the select committee to whom was referred that part of the President's message which relates to a proposed amendment to the constitution of the United States, and also petitions and resolutions presented at the last and present session, on the subject of amendments to the constitution."

Mr. HARPER said his colleague had closed his remarks by saying that this was not a party measure, nor intended to operate on the present parties of the country. I wish (said Mr. H.) I could believe this as far as respects all who are concerned in getting up this memorial and bringing it before this House. It is now, as it originally was, I have no doubt, intended to bring the character and influence of this House to bear upon this question in another body, now engaged or expected to be engaged in an inquiry into the affairs of the United States Bank.

I shall not attempt to follow my colleague through the various ramifications and views that he has thought proper to take of this subject, but shall confine myself to the petition and such matters as necessarily grow out of it. This petition, which now seriously engages the deliberations and time of this House, is signed by twenty-eight names, not five, perhaps, of whom have the least knowledge of the operations of banking; and what do they ask? That Congress shall take into its hands and remodel the whole banking system of the United States. But, as this is not a subject which has heretofore been considered to be legitimately within the province of the official duties of Congress, I should not have adverted to it but for the purpose of showing how well those petitioners are acquainted with the subject to which they have thought proper to call the attention of this House.

Sir, my colleague has thought proper, in the course of his remarks, to comment on the depreciated state of the currency of the country. Without stopping to inquire how far he or the petitioners are correct in that respect, let us suppose that it is so that there has a depreciation in the currency taken place. To whom, I ask, are we indebted for that depreciation? To the present administration and its supporters, among whom my colleague has been one of the most zealous. When they assumed the reins of government we had a sound if not the very soundest currency in the world; when it was of a mixed character, of specie and paper combined. Well, sir, they set about to mend it; and how have they done it? They declared it to be their intention to give us a specie

currency; instead of which, they have doubled the paper circulation, and now exclaim against and endeavor to transfer to their opponents the blame and responsibility for the evils they have brought upon the country. But it may be asked, how have the measures of the administration brought those evils upon the country? I answer, by the prostration of the United States Bank; an institution which they still continue to pursue with unabated rancor, because they have not been able entirely to destroy it. I may be asked, in what measure were we indebted to the United States Bank for the soundness of our currency at the time the Government passed into the hands of the present administration? I answer, that that bank, considering itself a national institution, felt it to be a part of its duty, as well as its interest, to preserve a sound currency in the country as far as it possibly could; to accomplish which it voluntarily subjected itself to considerable expense and the liability of sustaining heavy losses. This desirable object it accomplished in the following manner: Whenever it found, by the quantity of paper in circulation belonging to any bank, city, or State, that an overissue had taken place, the bank collected these overissues whenever they were to be found in the possession of its debtors, returned them on the institutions which had put them into circulation, and demanded payment. If the banks thus brought in debt were unable to pay, which was often the case, the United States Bank, instead of oppressing or straitening them unnecessarily, made arrangements with them, and, by receiving a reasonable interest, gave them time to redeem their notes by gradual curtailments. Thus, sir, they were restrained within proper limits, and a wholesome currency preserved in the country, while the United States Bank ran the risk, in case a failure should take place of any bank whose notes they held, of sustaining the whole loss of the notes then in its possession. This wholesome check has been removed by the present administration and its friends, and the consequence predicted by the opposition has followed. The country has become flooded with State bank paper, until the authors of the evil have themselves become alarmed, and now endeavor, by every wile and stratagem which they can invent, to transfer the odium to their opponents, who labored from the first to avert the evil.

But there is another subject which my honorable colleague and the petitioners have thought proper to bring before this House, with which, in my humble opinion, we have nothing to do. The United States Bank, which was chartered by the Legislature of Pennsylvania during the last session of that body, is gravely charged with reissuing the notes of the United States Bank, the charter of which expired last March. Well, sir, suppose they have. Had they not a right so to do? Must the present United States Bank be deprived of a privilege that belongs to every other bank and individual in the United States? Suppose the bank in possession of a quantity of the notes of the old bank, which have been received in payment of debts due to the present bank, (and I am unacquainted with any other means by which it became possessed of them,) and an individual should be not only willing but desirous to receive these notes for a debt due from the bank to him, why should the United States Bank be deprived of the privilege of paying them out, any more than any other bank or individual in the country? I know of no reason except that the bank happens to be in bad odor with the present administration of the Union and its supporters.

Sir, the paper of this wantonly and unjustly abused and vilified bank is at this moment the best paper currency in the country. There is not a gentleman within the sound of my voice, from the South or West, that does not know that this paper is anxiously sought and purchased in their sections of the country, at from three to five per cent. premium. It is found to be the only paper with which they can travel through all parts of the country, without being subjected to inconvenience or loss by the payment of discounts during their journey.

But another idea is thrown out, Mr. Speaker: that the circulation of these notes by the present Bank of the United States will prevent the old bank from winding up its affairs, and subject the United States, in common with the other stockholders, to the liability of losses which they would not otherwise incur. Is this the fact? If it be, I should like to be told in what manner it can happen. The notes are liable to be lost or destroyed; will that be a loss to the stockholders? I apprehend not, as they will never have to pay them if they are not presented. This will be a gain instead of a loss to the bank, and consequently an advantage to the stockholders.

But will it prevent the bank from winding up its affairs? I apprehend not, sir. It is well known that every bank keeps a record of all the notes it issues, and that it must at all times hold itself prepared to redeem them. Now, let us suppose that this bank is desirous to wind up its affairs, and pay over the amount of stock and dividends due to the stockholders, and upon examination it finds that there is still a hundred thousand dollars of its notes in circulation. What, then, becomes its duty? Why, simply to set aside a hundred thousand dollars for the purpose of paying these notes as they shall be presented, and paying over to the stockholders the balance of assets which it may then possess, which is all to which they can lay any legal claim. Need I pursue this argument any further, to prove that the stockholders cannot possibly lose any thing by this operation, or that the winding up of the bank need not be delayed in consequence of some of its notes being in circulation? I have never been the advocate of banks of any description; but if we must have them, and I believe such is the general sentiment of the country, then let us not carry on a war against those that are best managed, and are calculated to do most good, and nurture those from whom we have most evil to apprehend.

Sir, the objects sought to be accomplished by the petitioners cannot be effected by this House without an alteration of the constitution of the United States, or the unsettling of the whole principles upon which your Government has been administered ever since the adoption of the federal constitution. They ask you to take away a power which the States have always possessed—that of granting bank charters. Have you a right to deprive the States of that power, without an alteration of the constitution of the United States? A negative to this question would, I believe, be almost unanimous throughout the Union. To what committee, then, should the petition go? I answer, to the committee already appointed, which has in charge the various amendments proposed to the constitution of the United States. If you send it to a select committee, what will be the object, and what have we to expect? A report that will contradict the assertion of my colleague, "that this is not a party measure, or intended for party purposes." You, sir, I predict, if you get a report at all, will get one of a most decided partisan character. Sir, I had no intention when I came in of saying a word on this subject, and regret that I have detained the House so long.

Mr. MANN, of New York, said he had no idea, when he stated on yesterday that he wished to have his friend from Pennsylvania gratified in his request, that this subject would create a debate taking so wide a range as that which the House had witnessed; and it was no part of his purpose now to extend it much further. He had perceived, however, a disposition in the House to become early possessed of some subject worthy of debate in that body, on which to hang speeches for the edification of the public. Mr. M. said he had not deemed this

of such general interest, although he would admit its intrinsic importance; and he expressed the hope that the standing committees of the House would very soon be able to present to its consideration, and for its action, the important measures of the session. These he deemed were—the reduction of the revenue to the wants of the Government; the restriction of the sales of the public lands to actual settlers; the maintenance of our neutrality towards belligerant nations, more especially towards Mexico and Texas; and the annual necessary appropriations for the support of Government. When these subjects are before the House, honorable gentlemen will have a field wide enough to exercise their highest powers. The House would recollect (said Mr. M.) that his friend from Pennsylvania [Mr. GALBRAITH] had heretofore made some efforts to bring the subject of this petition before it and before the country, in which he had not been as successful as he (Mr. M.) thought he deserved. That gentleman had not often asked the House for favors of any kind; he had been as modest in that respect as most gentlemen representing the people on that floor. Mr. M. said he understood that his friend who presented this petition felt a deep interest in the subject, because the Bank of the United States of the State of Pennsylvania had established, or were about establishing, a branch of that institution in the district which he represented; and Mr. M. thought it but right that the gentleman should have an opportunity, as chairman of a select committee, to resist what he deemed an encroachment upon the rights of his constituents, by a great moneyed power. He desired, also, at the same time, to resist the extension of the paper system—of paper money—whether under the federal or State authorities, by an examination of the subject in reference to the spirit of our institutions. To this Mr. M. saw no well-founded objection, because it was not proposed by the petitioners, or the gentleman from Pennsylvania, to apply the powers of this Government to remedy the present evils, but to strike at the root, by considering the expediency of amending the constitution so as to prohibit the States, by their own consent, from granting banking privileges and profits by their legislation to one class of their citizens, (under the pretence of the public good,) which, in the nature of things, must be denied to all others. Sir, (said Mr. M.,) has not the paper system of this country extended itself far enough, identifying itself with all the interests of society in every department of trade, devouring the productive labor of those who submit to the laws of Heaven, and procure their bread by the sweat of their brows? Why is it, sir, that for the last ten or fifteen years the community has been kept almost constantly in a feverish condition repecting the currency, rendering their property and their productive labor insecure, by changing the standard of value, or rather destroying it? Has it not been principally owing to the fluctuations in our paper system, sometimes swelling itself like the full tides of the ocean, and then suddenly receding, carrying its thoughtless and careless votaries to the dark abodes of devouring avarice?

What is a proper remedy for this? asked Mr. M. Why, the gentleman from Pennsylvania, who has just resumed his seat, [Mr. HARPER,] finds it in a Bank of the United States, to regulate the issues of the subordinate factories, by driving their products home, and substituting their own, which, he believes, is the very best currency in the world. This remedy, sir, has usually increased the disease. Instead of regulating, restraining, or controlling, the paper issues by the State banks, it has increased them by the addition of its own issues falling into their vaults as capital. The gentleman from Massachusetts [Mr. LINCOLN] supposes that it is a libel upon the people to even entertain the idea of restraining the paper system in its operation, and does not seem willing to treat this petition with common respect. There are, sir, (said Mr. M.,) those in the State which in part he had the honor to represent, as well as in Massachusetts, who maintain that the greater part of the blessings vouchsafed from God to man come through a bank under their control. It has, however, been doubted there, by some, whether those blessings are not shaved and diminished before they effect the purposes designed by the Great Giver. This is not the case (Mr. M. presumed) with the constituency of the honorable gentleman from Massachusetts, and therefore he is clear that things are blessings to them, which are esteemed evils by most all others. Mr. M. said he could here make answer to the several positions assumed by the honorable gentleman from Massachusetts, which he trusted would be satisfactory; but he had already occupied the House much longer than he intended when he arose, and he could not deem it necessary or useful to detain it longer for such purpose. He hoped the petition would receive the same respect which was usually accorded to those which were in respectful terms.

Mr. PEARCE, of Rhode Island, was under the impression that, at the last session, this memorial was referred to one of the standing committees of the House. The gentleman from Pennsylvania [Mr. GALBRAITH] takes it from the files in the Clerk's office, and again presents it to our consideration, because, for want of time, or from some other cause, it was not finally disposed of at a former session. Why (said Mr. P.) should it now receive a different direction? What has transpired to require this? Because it did not receive the action of a committee at a former session, it did not follow that it would not receive such action at the present session. To refer it now to a select committee would not, perhaps, be a direct censure upon one of the standing committees of the House; but he would submit to gentlemen whether it would be paying that deference and respect to a standing committee it was entitled to. To such a committee it legitimately belonged, and I (said Mr. P.) am not disposed to gratify my friend from Pennsylvania, or any other man, to take from committees what belongs to them. I have taken my stand upon this subject, and my friend from Pennsylvania will understand that it is not to oppose him that I object to his motion, but to maintain a consistency in my own course of legislation. Heretofore, select committees were not ordered as a matter of course, never without good cause; and not always when, in the opinion of many gentlemen, there has been good cause. Such has been the temper of the House in regard to them, and such has been the tenacity with which those who composed the standing committees of the House clung to what belonged to them. I regret to say that, at this session, there have been already appointed more select committees than I had ever before known during a whole session of the House.

I will for a moment examine the effect which will be produced by, and the consequences which will follow, the too frequent appointment of these select committees. One member wants a subject referred to a select committee, which is proper for the consideration of one of the standing committees of the House, because he, as the chairman of that committee, can have it under his special care, will be able to present it to the House in a fair light, and more speedily, for its action thereon. Well, sir, this, in the estimation of some gentlemen, may be all well enough; but are they prepared to say that one member shall have, by concession and the indulgence of the House, what shall be denied to another? If not, sir, then where and in what situation do we find ourselves? Every thing which any member has in charge must go, or certainly may go, to a select committee. Your standing committees may be ousted of their juris-

diction, and might as well be abolished at one time as at another.

There is withal a little right and a little justice involved in this consideration. Is it right, is it just, that an interest should be committed to those who are known, in advance, to be in favor of it? I think not; as you may not, in such a case, have that full investigation, and that fair and impartial representation, which may be had of one of the standing committees of the House.

For an illustration of my views I will (said Mr. P.) recur to what has taken place at this session, not to arraign the presiding officer of the House, who has, I know, done no more than conform to usage and the course of those who have preceded him, but to show the consequences of an order for a select committee. An honorable member from Kentucky, [Mr. HAWES,] with an avowed hostility and opposition to the military school at West Point, honest and sincere, I have no doubt, in his convictions of the inutility of that institution, submits a proposition and inquiry which involve, or may involve, the further continuance of that institution, and prays for a select committee. Such a committee is ordered, consisting of nine members; and it is found that, of the nine, seven are friendly to the proposition submitted by the honorable gentleman from Kentucky, and unfriendly to the institution, and but two are the friends of the same.

I complain not of this, as the select committee was ordered, because it was organized according to the usages of the House, existing in the organization of such committees; but I do, Mr. Speaker, derive from it an argument, and I hope the House will see the full force of it, against the too frequent appointment of select committees.

I have often witnessed a spirit which well becomes them, evinced by those who are the heads of standing committees in the House, to claim all that belonged to them. I hope I shall see further manifestations of this spirit. We made at the commencement of the session a very good beginning. An honorable member from Alabama [Mr. LEWIS] moved a reference to a select committee of a subject which the veteran chairman of the Committee of Claims clearly showed belonged to that committee; and, by a very large vote of the House, the select committee was denied, and the subject was referred to the standing committee of which the honorable gentleman from Ohio [Mr. WHITTLESEY] is chairman. Why was this done? There was a general disposition on the part of the House, I have no doubt, to gratify the gentleman from Alabama; but it could not be done without a violation of our own rules, and encroaching upon the rights of a standing committee of the House.

But what, Mr. Speaker, are we called upon to do by those gentlemen memorialists, twenty-eight in number, comprising, I hope, not all the virtue and intelligence, purity of purpose, and integrity of character, yet remaining in the State of Pennsylvania? They complain of the increasing issues of bank paper money by incorporated companies in the different States; they wish Congress to inquire into the expediency of proposing an amendment to the constitution, restricting the incorporation of banks by the several States; they say that the notes of the Bank of the United States, which had been returned to the bank for redemption, and redeemed, had been reissued since the 4th of March last, when the charter of the Bank of the United States expired; and they pray, generally, for relief in the premises.

When (said Mr. P.) men are in mud and mire so deep that they cannot, in their opinions, extricate themselves without calling on their friends, it has been generally thought to be necessary for them to show, before they received the required aid, that the proper effort on their part has been made. Sir, can we confer upon these honest men any aid which they may not have and enjoy, independently of any action on our part? What says the constitution of the United States upon one of the subjects referred to us for consideration by these twenty-eight men? "Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments," &c. I would say, sir, to those honorable men, why is not this good work begun at home? Do not yet call on Hercules, for you have not yet shown that you have done all you were able to do.

I may be told that the Legislature of Pennsylvania is corrupt, and an appeal to that body would be an ineffectual one. Then I would say, appeal to the ballot-box; and if, perchance, I should be told that even there the proper relief could not be had, I would say to the people of Pennsylvania, adopt and carry into operation the suggestions of at least two of her Governors, Wolf and Ritner: establish free schools, and extend the diffusion of light and science; apply all that will to you belong, under our late distribution act, for the purpose of enlightening the rising generation. I repeat, sir, let the men of Pennsylvania begin their good work at home; for, in my opinion, it does not become them to put upon record their own infamy, their bribery, and their corruption, and the influence of Mr. Biddle and his bank over them.

Sir, I am sorry that the corrupting influences of the man or his bank are brought to our view: let every man have his due. Mr. Biddle says that he was quite indifferent about a recharter, by the Legislature of Pennsylvania, of the Bank of the United States. He made no application for a recharter; he neither corrupted nor seduced any one; that if any rapacious act was committed, it was by the Legislature upon him, and not by him upon them; and one would suppose, from his first letter addressed to my venerable friend from Massachusetts, that there would not have been any violence of any kind, but for the proceedings of the Pennsylvania Legislature. Surely, sir, these twenty-eight men do not wish us to save them from their own worst enemies, themselves.

It is, has long been, a mooted point, and I think it will long remain so, whether Congress, under the constitution, can in any way restrain or restrict the issues of bank paper by local banks. Deposite banks can be compelled to perform what they are bound by contract with the Treasury Department to do, and here I think the matter must end. I am not now prepared to say that Congress can, as the constitution now is, say to any State in this Union, you shall incorporate so many and no more banking institutions, and the issues of those incorporated shall be to such an extent as we may prescribe, and not beyond. Sir, I am not a very great stickler for State rights; at any rate, I have not said so much in favor of them as many others have said; but this I do say, that I am ready, and as well prepared as any man can be, to resist all encroachments upon State sovereignties, let them come from whatever quarter they may, and act, when there shall be an attempt here to restrain the Legislature of the State from which I come, in what we deem to be the lawful exercise of its powers, whether in incorporating banking institutions, or any other institutions, that attempt will be fairly met, not by me alone, and will be properly resisted. We are not yet driven to the necessity of declaring to the world our own infamy, and begging Congress, because we are corrupt, to take us under its protection, to act for us, and pass laws to restrain us in our infamous and corrupt course.

Sir, let it not be inferred from what I have said that I am in favor of the moneyed incorporations of the coun-

try. No, sir; I am opposed to them, and all other incorporations; and as I now am I always have been, and I verily believe I shall continue to be. What are they but additional facilities for the rich to oppress the poor, and, in their march to do it, to travel with steam power? for an irresponsible body, without soul, to do what no man, as an individual, with heart or soul, ever did or ever will do—to steal power from the many, to whom it belongs, and confer it upon the few, who never ought to have it, and clothe that few with the full possession and exercise of it? Sir, upon this subject I have nothing to disguise. I here avow my sentiments, as I have avowed them elsewhere; and I stand or fall by them, here and every where.

Sir, it may be very questionable whether power can be met by, or resisted by, any thing but power; and whether there is strength enough, if there be virtue and integrity sufficient, in the people of this country to meet or put down what may be called the *major vis*—the money power and the corporation power—except by meeting it with its own weapons, and opposing to it a force not unlike that which it wields. The people of my own State, (said Mr. P.,) one would suppose, have gone upon this principle; that is to say, to meet power of a certain kind by the exercise against it of a power of the like kind. Finding themselves, in the incorporation of bank institutions, "stepped in so far that returning would be as bad as to go o'er," they are now, from necessity, to keep in a sound healthy state institutions created, obliged to create all that are asked for, that one may operate as a check to and counteract the evil tendencies and effect of the other.

Mr. Speaker, the Bank of the United States recently chartered by the Legislature of Pennsylvania is a creature of Pennsylvania. As we all take our wives, let them take that, for better and for worse, and not trouble us about bribery and corruption. If they have been bribed, or felt the corrupting influence of money, the sooner they are in a state which will enable them to resist the one or the other, the better for them. I thought at the last session, when we with great unanimity repealed one of the sections in the charter of the late Bank of the United States, which, in the opinions of some men, was operative, notwithstanding the expiration of the charter itself; operative so far as to compel receiving officers to receive the bills of that bank, in the payment of Government dues, we should not hear, in the form of direct communications, any thing more of the monster, and nothing more would be said of it, and nothing more would be done in regard to it, until we took the proper steps to make it disgorge what it had belonging to us. I have been mistaken.

In conclusion, said Mr. P., when in order to make that motion, I will move, and if now in order will now move, that this memorial be referred to the Committee of Ways and Means.

Mr. DENNY said he rose to trouble the House with a remark or two, in consequence of the extraordinary ground taken by the gentleman from New York, [Mr. Mann.] I had supposed, from the motion made by that gentleman on yesterday, that his object was to submit at large some cogent and satisfactory arguments for indulging my colleague [Mr. Galbraith] with a select committee. He has not done this, however, and the only reason he has urged amounts to this: that it is apprehended some change may take place in the opinions of the constituents of my colleague; therefore the power of this House must be exercised to counteract it.

He says there is a special reason for granting the motion of my colleague; which is, that the Pennsylvania Bank of the United States is about to establish a branch in the district represented by my colleague; and this select committee is desired in order "to resist this encroachment on the principles of his [Mr. Galbraith's] constituents, by this moneyed power." I presume it is known to most gentlemen on this floor that the bank chartered by Pennsylvania has established a branch at the town of Erie, in the county of Erie, and within the district represented by my colleague.

But, sir, this branch was authorized by the Legislature of Pennsylvania, and I believe at the special instance and request of the constituents of my colleague. It was on the motion of the gentleman who represented the people of Erie county in the Legislature that the authority was given to establish this branch. It did not proceed from any spontaneous movement of the bank itself. This is termed an encroachment on "the principles of the constituents of my colleague." And because the gentleman imagines this measure may produce a change in the opinions of many of the constituents of my colleague, and cause them to differ from him, therefore we must interpose the power of this House to prevent it. We are called on to interfere with the opinions of the people, where it is supposed they may differ from those entertained by their Representative here? Carry out the argument, the same reason would justify our interfering with the press. And gentlemen might with equal propriety call for the power of this House to be exercised to put down a press established in his district, because it might produce a change in the opinions or principles of his constituents. The doctrine is alarming, and claims for this House a power which I cannot concede to it.

If my colleague has views peculiar to himself on the subject mentioned in the memorial, and which he thinks important and worthy of being made public, the press is to open to him; he can freely communicate them through that channel. But I cannot agree that this House should lend its sanction to the doctrine contended for by the gentleman from New York.

If any disposition is to be made of the memorial, I have no great objection to sending the first branch of it to the committee indicated by the gentleman from Massachusetts. Yet I think the whole had better be laid on the table.

This memorial was gotten up last year, at a period of political excitement. The presidential election was approaching, and something was to effected. That contest is now over, and this memorial might well have been left on the files of the House. So much of it as relates to an amendment of the constitution I am willing should be referred to the committee already having charge of propositions for that purpose.

With regard to the second part of the memorial, I am opposed to any reference whatever. In this part of the memorial we are called upon to interfere with a State institution. And for what reason? Because the bank chartered by Pennsylvania has received and paid out notesf ormerly put into circulation by the Bank of the United States chartered by Congress. Has not every bank a right to do this? The Pennsylvania Bank of the United States is distinct from the old Bank of the United States; they have different individuals as their presiding officers. Your power extends to the bank chartered by Congress; but you have no right to go into an examination of the affairs of the institution established by Pennsylvania; it is a State institution, not amenable to you, and over which you have no control. Large as are the powers of this House, they can extend only to those institutions connected with this Government. That established by Pennsylvania is beyond your jurisdiction, and exclusively within the jurisdiction of that State, and we cannot interfere with it.

Mr. CHAMBERS, of Pennsylvania, remarked that the memorial offered by his colleague [Mr. Galbraith] presented for the consideration of the House subjects of general as well as local interest—subjects that have

elicited discussion, and will elicit more. In this memorial is asked an amendment of the constitution of the United States, in matters not affecting a portion of the people, or one part of the country, but an amendment that is to control the action and legislation of the State Legislatures and State authorities of all the States composing the Government, in relation to banking institutions and other corporations.

Another branch of this memorial proposes an investigation of the acts and proceedings of a Pennsylvania State institution, created and maintained by State authority; and the question now before the House, and which is the subject of discussion, is the reference or disposition to be made of this memorial, for which the mover asks a select committee to be raised.

It is to be considered whether it is deserving of a reference to any committee, from the character of the memorial, and the circumstances under which it is got up and presented. This memorial, signed by twenty-eight citizens of Pennsylvania, was presented at the last session of Congress, and, by a vote of this House, was laid on the table, where it was allowed to rest. It has, however, been raised from the tomb of the Capulets, to which it was supposed to be consigned, and again brought before the House by my colleague.

It has already performed its office: it was presented to the last Congress by him, with such remarks as he chose to make, and he has been allowed the opportunity of again presenting it, and making his remarks. This is enough, and as much probably as was expected, or ought to have been expected, for such a memorial.

It is, however, now asked and pressed that a select committee shall be raised for the special purpose of considering this memorial. It is unreasonable that a select committee should be formed and charged, under the direction of this House, with considering certain proposed amendments to the constitution, limiting State authority and State legislation in all the States, and abridging the rights of the people from one end of the Union to the other, on the application of twenty-eight petitioners from one State, whose memorial had been presented to the last Congress, and, by a vote of the House, laid on the table, without a reference to any committee. Without any fresh memorial from the people, without any indication of public sentiment on the part of the people on this subject of general interest, this House is asked to give my colleague, on this sleeping memorial, a select committee, to consider and report amendments of the constitution that shall restrain and limit State jurisdiction and legislation. It will lead to no amendment, nor will it lead to any legislation by this House, and it ought not to receive the attention that would seem to be given to it by raising a select committee. The most proper disposition of this memorial would be such as was given to it at the last session—by laying it on the table.

But, sir, if it is to have a reference to a committee, that portion of it which relates to the amendment of the constitution should be referred to the select committee some time since appointed, and to which the various propositions in relation to the amendment of the constitution have already been referred. It would be appropriate for that committee to consider this, or other amendments that may be proposed. Is this House going to set the precedent of indulging every set of petitioners, be their numbers great or small, with a select committee to consider their projects? If this be established as the rule and practice of this House, these memorials will multiply on our hands much, with various schemes of amendment, and we shall have as many projected amendments, and as many select committees, as there are articles in the constitution. Let us set no such precedent; but, if the House will give it a reference, let it be made to a committee already selected, having charge of the subject.

But another part of this memorial relates to the acts and proceedings of a State bank in Pennsylvania. It is complained that the Pennsylvania United States Bank, in its business transactions, uses, to a certain extent, some of the bank notes of the late United States Bank. Whether it does or does not, whether it is right or wrong in this, and whether it be authorized or prohibited, are questions and matters with which this House has nothing to do; they belong to the people of Pennsylvania. It is a State institution, created by State authority, and amenable to our State Judiciary and State Legislature for the abuses of its powers, if they be abused.

Our State tribunals are fully competent to take care of our State institutions and protect our citizens, without the interference of this House, in a matter of which it has no cognizance or jurisdiction; and if it does interfere, it is by encroaching on State rights, and usurping power and authority which does not belong to it.

By whom is it that this House is asked to inquire into a subject belonging to the courts and Legislature of Pennsylvania? It is on the memorial of twenty-eight petitioners from Pennsylvania, out of a population of one million and a half; a memorial not now emanating from the people, complaining of any existing or recent grievance or abuse, but raised up from the old files of the House, where it was supposed to be buried. Is this all that is required to induce the House to take Pennsylvania under its charge, and assume to do what belongs to the people of Pennsylvania and her State authorities? Against any such interference or assumption of power, as one of the representatives of Pennsylvania, I protest.

But, sir, we are told by the honorable member from New York, [Mr. MANN,] in more than a whisper, that there is a special reason and propriety in indulging my colleague with a select committee, as he understood that this State bank was about to locate a branch in the district of my colleague; and as my honorable colleague [Mr. GALBRAITH] was sitting near the member from New York, he may take this as his suggestion. It was further alleged, as a reason for the interference of the House to make the inquiry, that the proposed branch of the State bank might, it was apprehended, corrupt the people of that district.

The location of a branch of this State bank in that district is a question of policy, expediency, and power, for the consideration of the people and Legislature of Pennsylvania. It belongs exclusively to them and the bank, and they can and will settle the question for themselves. This House has no jurisdiction or power over it.

If the location of the branch in the district of my colleague is a grievance, tending to corrupt the people, and they are opposed to it, how is it, out of a population of fifty thousand and more in that district, it should be left to these twenty-eight petitioners to take care of the interests of the people of that district, and to manifest their opposition?

Such considerations, thus supported, ought not to influence this House in assuming to legislate on a subject out of their power and jurisdiction, and within the power and cognizance alone of State authority.

It cannot, I think, be seriously expected that there will be any legislation by this House on this memorial; and as the whole subject is one calculated to produce discussion, create excitement, rouse party feelings, and consume time, without leading to any practical legislation, I move to lay the memorial, &c. on the table.

Mr. VANDERPOEL said he was surprised that so much sensibility had been discovered by gentlemen on account of the introduction of the petition now under consideration. It stated no new, no unknown grievance; it proposed no very strange or unreasonable remedy. It proceeded on the assumption that gold and silver was the legal and constitutional currency of this country;

and that in the place of gold and silver the country was now inundated with a miserable paper currency, continually expanding and expanding until we were threatened withan explosion, most terrible and overwhelming.

And was there not much force in the views which the petitioners took? Was it not true that the expansion of the paper system had, within the last three years, been most alarming and unprecedented? Was it not true that by this means a false and pernicious value had been given to every thing, so that the poor man's dollar now would not buy more than fifty cents would secure for him four years ago? From the report of the Secretary of the Treasury the House would see that since the first day of January, 1834, the paper money of the country had increased from seventy-six millions to more than one hundred and twenty millions of dollars, while within the last two years one hundred and six new banks had been created, with capitals amounting to more than sixty millions of dollars, and about thirteen millions of dollars had been added to the capitals of old banks. Many millions of banking capital have been added since the report of the Secretary was made; and yet was it not true that "the appetite of bank applicants seemed to increase with what it fed on?" Was there any prospect of satiating or gorging them? Did not this state of things give cause for alarm to the calm sober thinker and the patriot? He was not prepared to say that he was disposed altogether, or all at once, to dispense with, or put down, the paper system. Such a scheme, with the hope of carrying it immediately into execution, would, perhaps, be as utopian as the rapid and continuing expansion of your paper system was alarming. It was necessary to deal with this subject with the spirit of practical statesmen, not with the dogmatical temper of stiff and stern theorists, who, after brooding over their favorite theory for years, until it becomes a sort of monomania, would hazard the most sudden and convulsing remedies, to carry it into practical execution. It was not always wise to lose at once all respect for things that are, in order to bring about things that ought to be. Gradual alteratives were ofttimes better than violent remedies, which racked the system to death. He had within the last three years (he spoke with much deference) heard the constitutional currency of the country too often stigmatized with the dignified appellation of "gold humbug." Yet it had often occurred to him that the feeling which dictated such opprobrious ebullitions found some extenuation in the impracticable schemes which some of us entertained; in the belief that we could, and should, with one bold dash, rid the country of your one hundred and twenty or thirty millions of paper currency, and supply its place with a sufficiency of gold and silver for the various ramifications of the business of this vast and enterprising country. Yes, while there seemed to be those who believed that a paper currency, however expanded, was harmless, there were others who seemed to suppose that we could at once repudiate the whole paper system, and usher in a "golden age," without producing a revulsion too serious to contemplate. It behooved us, if we were indeed intent upon doing something that was salutary, to avoid such extremes. The crisis called for a remedy from some quarter against a too expanded and continually expanding paper currency; and if here was the place where the cure was to originate, a responsibility had indeed devolved upon the wise doctors here assembled, that should put in requisition all their skill and all their wisdom.

He had remarked that the petition represented to us an evil, as to the existence of which all gentlemen concurred, viz: the alarming multiplication of banks by the States, and the danger which your expanded and expanding paper system portended; but while all concurred in the existence of the evil, there was much diversity of opinion in regard to the remedy. Many gentlemen here supposed that a natural and an excellent remedy was already within our constitutional reach—that a national bank was the best regulator of the currency, the grand panacea by which the whole feverish monetary system was at once to be restored to stability and health. There was another class of gentlemen who believe that the power to create this alleged remedy was not conferred on us by the constitution; and if it had been delegated to us, it was, at best, one of those desperate remedies that was worse than the disease. Another class of gentlemen believed that the remedy was to be found in a section of the federal constitution, which prohibits the States "from coining money, emitting bills of credit, or making any thing but gold and silver a lawful tender." The petitioners seemed to assume this position, and evidently desired a declaratory amendment of the constitution, indicating unequivocally that this section of the constitution includes a prohibition against the States to make or emit paper money through the medium of incorporated banks. The gentleman from Massachusetts [Mr. Lincoln] had denounced this position as preposterous. It was not necessary, for the purpose of the subject immediately under discussion, that he (Mr. V.) should contend that the honorable gentleman from Massachusetts was wrong in the view which he took of this point, and that the petitioners were "right;" but after their sense of the true meaning of the constitution had been so emphatically denounced, if not ridiculed, by the honorable gentleman, it was at least due to the petitioners to say that they had very high authority for the construction which they seemed to give that clause of the constitution which prohibits the States from emitting bills of credit, or from making any thing but gold and silver a lawful tender—an authority which the gentleman from Massachusetts himself would be disposed to respect. Mr. Madison, in the forty-fourth number of the Federalist, in commenting upon that section of the constitution which prohibits the States from coining money, emitting bills of credit, or making any thing but gold and silver a lawful tender, remarks as follows:

"The extension of the prohibition to bills of credit must give pleasure to every citizen, in proportion to his love of justice and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace, from the pestilential effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industry and morals of the people, and on the character of republican government, constitutes an enormous debt against the States chargeable with this unadvised measure, which must long remain unsatisfied; or rather, an accumulation of guilt which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice of the power which has been the instrument of it. In addition to these persuasive considerations, it may be observed that the same reasons which show the necessity of denying to the States the power of regulating coin prove with equal force that they ought not to be at liberty to substitute a paper medium in the place of coin. Had every State a right to regulate the value of its coin, there might be as many different currencies as States, and thus the intercourse between them would be impeded; retrospective alterations in its value might be made, and thus the citizens of other States be injured, and animosities be kindled among the States themselves. The subjects of foreign Powers might suffer from the same course, and hence the Union be discredited and embroiled by the indiscretion of a single member. No one of these mischiefs is less incident to a power in the States to emit paper money than to coin gold and silver. The power to make

any thing but gold and silver a tender in payment of debts, is withdrawn from the States on the same principle with that of issuing a paper currency."

Sir, (said Mr. V.,) here is a cotemporaneous exposition of one section of the constitution, from the pen of one who had well been denominated "the author and finisher of the constitution." This was enough, at all events, to have saved the petitioners from the denunciations which their view of the sense and meaning of one clause of the constitution had here encountered; and should, perhaps, have commanded a little more respect for the remedy they propose for the evils upon which they dwell. He was free to say, that if this clause of the constitution, prohibiting the States from issuing bills of credit, included a prohibition on the authority of the States to make paper money, through the medium of incorporated banks, it might at this day, for any such purpose, be regarded as a dead letter. The States had, for more than forty years, exercised the power of incorporating banks with power to issue notes; and if the original exercise of this power was founded in usurpation and error, (which he would not here fully discuss,) it was, at all events, an error so old and so general as to have acquired the authority of right and law, according to one of the maxims of the common law, "*Communis error facit jus;*" and it would be expecting if not asking too much to suppose that, after the long exercise of this power by the States, and the general acquiescence of the people therein, the judicial tribunals of the country would now give a practical interpretation to the above clause of the constitution, in accordance with the view of Mr. Madison. If it were right and proper, then, that there should be some regulating means by which this power of the States could be restricted within reasonable limits, was not the prayer of the petitioners a reasonable one, proposing a feasible object? and did not their petition deserve from us most respectful, if not most serious, consideration? Mr. V. said he would repeat his surprise at the fact that some gentlemen had discussed this petition as if it were so monstrous as not to be entitled even to common courtesy at our hands; but his surprise was somewhat diminished when he reflected that this petition proposed a means of regulating the currency other than that which was to be found in the fiat of a board of bank directors convened in Philadelphia.

Having deemed it pertinent to say what he had said, as to the nature, scope, and object, of the petition, he would add a word as to the disposition that should be made of it. It had been remarked by one gentleman, that it ought to be referred to one of the standing committees of this House, and particularly to that committee which was appointed upon that portion of the President's message that related to amendments to the constitution. It surely did not fairly come within the jurisdiction of that committee, because that was a select committee appointed to take cognizance of a particluar subject; an amendment of the constitution, so far as it regards the election of President and Vice President. [Here Mr. LINCOLN interrupted Mr. V., and said that he thought the resolution appointing that select committee was broad enough to include all amendments to the constitution that might be proposed, and called for the reading of the resolution.] Mr. V. said that the resolution was obviously retrospective, not prospective; it related merely to propositions pending before the House at the time of its passage, and could not be construed to comprehend future propositions, relating to subjects other than the election of President and Vice President; and, and while he was up, he would take occasion to say a word about this select committee, annually and for many years past appointed to consider the proposed amendments to the constitution; and in what he was about to say he certainly could mean no personal disrespect to that committee, for it had been his good or ill fortune last year, and now again, to be a humble member of it, and to be associated with pure and most enlightened gentlemen. It might, nevertheless, be called a "humbug committee," year after year deliberating over the crude propositions of gentlemen to amend the constitution; year after year reporting to the House some sage plan, but never yet, to his knowledge, (no doubt from the nature of the subject,) coming to any conclusion that obtained the sanction of this House; whatever the cause, it seemed to be a body that produced no available fruit.

Another gentleman had remarked that this subject properly belonged to the Committee of Ways and Means. For his part, he could not see the remotest connexion between a proposition to amend the constitution in a particular of this description, and the duty of raising ways and means for the support of the Government; nor could he imagine any good reason for referring the petition to the Judiciary Committee, for it embraced an object that rose far above the ordinary range of the duties of your Committee on the Judiciary. He was for referring it to a select committee, who, appreciating its importance, would feel all becoming responsibility, and give us the result of calm, patient, and enlightened deliberation. He had felt it due to the petitioners, and to the subject of their petition, to submit these remarks, and, more especially, since, from the tenor of the remarks of some gentlemen, they seemed to consider the presentation of this petition to us very extraordinary, if not insolent.

Mr. EVERETT said he had voted against laying the petition on the table, and should vote for its reference to a select committee; and he desired, in a few words, to give the reason for this course. The question derived all its importance from the motion of the gentleman from Pennsylvania, [Mr. GALBRAITH.] The petition, in itself, was deserving of but little consideration; was got up during the last session, under particular circumstances, and for a particular object, not now requiring the action of the House; nor was there any evidence that the petitioners desired its consideration; but it had been adopted by the gentleman from Pennsylvania as the occasion of his motion for a special committee. It was therefore entitled to the same consideration as a resolution asking for an inquiry would be. He did not consider this motion as having been made merely on the responsibility of the gentleman from Pennsylvania, but as having been made on consultation, in concert with the friends of the present, or, rather, coming administration. For a long time the public had been entertained with general and vague propositions in relation to the currency. For one, he was desirous that the administration should have an opportunity, and one that could not be evaded, of laying before the country its specific view and plans on this subject. He hoped a committee entirely favorable to its views should be raised, that its distinct plans might be laid before the country. If there was any settled plan, he wished to know it. He wished for something more than non-committal. If it was intended to make war on the power of the States to incorporate banks, the sooner it was known the better. If the plan of a specie currency was to be adopted, he wished to be informed how it was to be effected; he wished to see some practical plan proposed; he wished to give the administration an opportunity to show their head. The gentleman from New York [Mr. VANDERPOEL] had assigned, unintentionally, probably, a reason why it should be referred to the committee raised on amendments to the constitution. He had styled that committee a humbug committee, and it would seem to follow that this subject might, with great propriety, be referred to that committee; but he has assigned a sufficient reason why it

should not be referred to that committee. He said, and I agree with him, that that committee was not appointed with a view to this particular subject. Let a committee, then, be appointed with a view to this subject—a committee that will fully expose the views of the administration; let us have their definite plans, something responsible. It is of immense importance, not only to the commercial interest but to the country at large, that the questions in relation to the currency should be settled.

Mr. Everett having concluded his remarks,

Mr. HANNEGAN called for the previous question; which the House seconded: Yeas 85, nays 75.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays on the question of taking the main question; which were ordered, and were as follows:

Yeas—Messrs. Anthony, Barton, Beale, Black, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Bunch, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Davis, Doubleday, Dunlap, Efner, Fairfield, Fowler, French, Fry, Fuller, Galbraith, James Garland, Gillet, Glascock, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Henderson, Holsey, Holt, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Laporte, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, McCarty, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Speight, Taylor, Thomas, John Thomson, Turner, Turrill, Vanderpoel, Wagener, Wardwell, Webster, Weeks, Thomas T. Whittlesey, Yell—108.

Nays—Messrs. Adams, Heman Allen, Ash, Ashley, Bailey, Bell, Bond, Briggs, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, Graham, Granger, Graves, Grayson, Griffin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Hiester, Hoar, Howell, Janes, Jenifer, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Samson Mason, Maury, McComas, McKay, McKennan, Mercer, Pearson, Pettigrew, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Richardson, Robertson, Rogers, Russell, Augustine H. Shepperd, Slade, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, Young—84.

So the House determined that the main question be now put, being the reference to the Committee of Ways and Means.

Mr. EVERETT asked that the question might be taken first on that portion of the memorial which related to the proposed amendment to the constitution; and, secondly, on that portion relative to the issue by the Bank of Pennsylvania of the old notes of the United States Bank; and the division was ordered.

And the main question, being on the commitment of the first portion of the memorial to the Committee of Ways and Means, was taken, and decided in the negative.

And the second portion of the main question, being on the commitment of the second part of the memorial to the Committee of Ways and Means, was then taken, and decided in the negative.

So the House refused to commit the memorial to the Committee of Ways and Means.

The question then recurred on committing the first portion of the memorial to a select committee, as moved by Mr. Galbraith; which motion prevailed.

And the question was then taken on committing the second portion of the memorial to the said select committee; and was decided in the affirmative.

So the memorial was referred to a select committee, to consist of nine members.

[The committee consists of the following gentlemen: Messrs. Galbraith, of Pennsylvania; Speight, of North Carolina; Everett, of Vermont; Mason, of Maine; Lincoln, of Massachusetts; Mann, of New York; Jenifer, of Maryland; Holsey, of Georgia; and Craig, of Virginia.]

After transacting some other business,

The House adjourned.

Friday, December 30.

THE PUBLIC LANDS.

When the usual business of the morning had been gone through with,

Mr. WILLIAMS, of North Carolina, moved to suspend the rules to enable him to offer the following resolution:

Resolved, That the Committee on Public Lands inquire into the expediency of prohibiting by law the purchase of lands at auction, with a view to forfeit them, and afterwards to obtain them at Government price of one dollar and twenty-five cents per acre.

Mr. W. called for the yeas and nays on the motion to suspend the rules for this purpose, which were ordered; and, being taken, were: Yeas 154, nays 38. So the House suspended the rules.

Mr. LANE moved to amend the resolution by striking out the words "Committee on Public Lands," and inserting the words "a select committee;" and also by adding at the end of the resolution the following words: "and also to inquire into the expediency of confining all sales of the public lands to actual settlers."

Mr. L. said that, in offering the amendment, he had been actuated by a desire to bring this proposition directly before the House. No question had ever arisen which was of greater importance to the various interests of the country. It was important as regarded the manufacturing interest; it was important with reference to the surplus revenue; it was important in its reference to the currency and to mercantile transactions; and it was important as regarded the settlement of the whole Western country. Any gentleman who had ever attended the sales of the public lands at auction must see the necessity of putting a stop to the practice which had prevailed for a few years. Mr. L. here alluded to the practice of the agents of speculating companies, who attended these sales, bidding a little higher than the laboring man who had traversed the wilderness and settled down on these lands could afford, and thus depriving him of his purchase. By this process, the Government made only a few cents more, and the hard earnings of the laboring man were thus rendered useless to him. He had to buy lands at second entry, whilst the speculator, who had purchased the numbers which the actual settler intended to purchase, was residing in a distant part of the country. By adopting the course proposed by the amendment, Mr. L. said the proceeds of the sales of the public lands might be brought back to three millions per annum, being the amount sold in former years. He had great confidence in the Committee on Public Lands. This subject had received the notice of the President in his last annual message, and had been referred to that committee; but he (Mr. L.) had understood that they were not able to agree on any definite proposition. For this reason, and in order that the final action of the House might be

had during the present session, he had moved the change of reference from the Committee on Public Lands to a select committee.

Mr. BOON said he was not going to make a speech, but he rose to express his astonishment at the proposition of the gentleman from Indiana. He considered the amendment as a direct and unqualified reflection on the Committee on Public Lands; and he repelled the reflection with indignation. The question of confining the sales of the public lands to actual settlers was made the subject of a part of the annual message of the President, which part had been referred to the Committee on Public Lands. They had this very proposition under consideration; but whether they would be able to agree on a bill, he did not know. He was glad, however, that the proposition had been enlarged by the gentleman from North Carolina, [Mr. WILLIAMS.] If subject-matters of investigation properly belonging to the standing committees of the House were thus to be wrested out of their hands, he hoped the Committee on Public Lands would be stricken from the list altogether.

Mr. LANE assured the gentleman from Indiana, and also the chairman of the Committee on Public Lands, that he intended no reflection by his motion. He had great confidence in the integrity and talent of that committee; but he had understood, from a source not likely to be mistaken, that there was no probability of that committee agreeing on any final proposition. If the chairman of the committee would assure him that the committee would bring the subject forward in some definite shape, in time to be acted on by the House, he (Mr. L.) would withdraw his amendment.

Mr. DUNLAP opposed the adoption of the amendment, and expressed his astonishment that the gentleman from Indiana [Mr. LANE] should move the reference to a select committee, inasmuch as he (Mr. L.) had himself offered a resolution by which this very subject had been referred to the Committee on Public Lands.

Mr. LANE said he had just understood that a bill would be agreed upon by the committee of the Senate, embracing entirely his views. He therefore withdrew his amendment.

And, thereupon, the original resolution of Mr. WILLIAMS was adopted.

Mr. VANDERPOEL moved a suspension of the rule, to enable him to offer a resolution that when the House adjourn, it adjourn to meet on Monday next.

The motion was rejected: Ayes, 95, noes 65—not two thirds. So the House refused to suspend the rule.

Mr. HARLAN moved to suspend the rule, to enable him to submit a resolution that when the House adjourn to-morrow, it adjourn to meet on Tuesday next; which motion prevailed: Ayes 127, noes 36.

And the question on the adoption of the resolution was then taken, and decided in the affirmative. So the motion to adjourn over from to-morrow to Tuesday was agreed to.

COLONEL JOHN WINSTON.

On motion of Mr. WHITTLESEY, of Ohio, the House then resolved itself into Committee of the Whole, and resumed the consideration of bills upon which that committee had obtained leave to sit again, (Mr. HAYNES in the chair.)

The first bill before the committee was a bill for the relief of the representatives of Colonel John Winston, an officer in the revolutionary war. A discussion took place on the question of allowing interest upon as well as the principal of this claim.

Mr. MUHLENBERG said: I had hoped, Mr. Chairman, that after the decision made at the last session of Congress, in the case of Nancy Haggard, we should have had no more trouble with bills of the nature of the one now before you, but am disappointed. It was then decided, after argument, in the Committee of the Whole, and the decision was confirmed by an overwhelming majority in the House, that interest should be paid upon claims of this description. The question is, however, again brought up, and I trust it will now be decided promptly and finally.

The great mass of revolutionary claims may be embraced in two classes: commutation cases and seven years' half pay cases. With the permission of the committee, I will say a word or two in explanation of each of these classes, and then submit a few remarks upon the propriety of paying them with interest, and make an attempt to show that the practice of the Government and the House, that justice, equity, and the common good, imperiously demand their settlement in that way.

Commutation cases are founded upon two separate resolves or laws of the revolutionary Congress. The first was passed October 21, 1780, and gives half pay for life to all such officers of the continental line of the army who should by the reorganization of the army, which was then ordered, be found supernumerary, and be reduced; and also to all who should continue in the service, in that line, to the end of the war. The second resolve was passed on the 22d of March, 1783, and commutes this half pay for life, by allowing to all who were entitled to it, in lieu thereof, five years' full pay.

With a knowledge of these resolutions of the revolutionary Congress, there can be little or no difficulty in determining who is entitled to commutation. If it be clearly established, by documentary or other sufficient evidence, that an officer belonged to the continental line proper; that he served to the entire close of the war, in November, 1783; or that he became a reduced officer after October, 1780, by the reorganization of the army ordered at that time, his claim to commutation pay must be considered as valid. Several other reductions of the army were ordered and made subsequent to that of October, 1780, and prior to the close of the war; and the officers thereby reduced also became entitled to half pay for life, and the commutation thereof by five years' full pay. I trust the Committee on Revolutionary Claims, to which these cases are referred, report bills in favor of none but such as are strictly entitled to relief. They consider themselves as much bound to protect the interest of the Government as that of the claimants, and can never forget that, in doing justice to one, they must not be unjust to another. They are quite willing that their reports, in each individual case, shall be strictly scrutinized, well assured that they will bear the severest test.

The next class of cases are seven years' half pay claims. These are founded upon the resolve of August 24, 1780, which extends the resolution of May 15, 1778, granting half pay for seven years to military officers commissioned by Congress serving to the end of the war, "to the widows of those officers who have died or shall hereafter die in the service, to commence from the time of such officer's death, and continue for the term of seven years; or if there be no widow, or in case of her death or intermarriage, the said half pay be given to the orphan children of the officer dying as aforesaid, if he shall have left any."

Here, again, it is only necessary to establish that an officer belonged to the continental line; was a military officer, commissioned by Congress; that he died in the service; that he left a widow or orphan children, to give a well-founded claim to the reward promised solemnly by the Government; going in the first place to the widow, and then, in case of death or intermarriage, to the children and their issue, and none else.

It being, then, ascertained clearly that an officer of the continental line of the army of the Revolution served to the entire close of the war, or that he was reduced,

and became a retiring officer under and after the resolves of October, 1780; or that he died in the service prior or subsequent to the resolutions of May, 1778, or August, 1780, leaving a widow or orphan children—these circumstances being established, there can be no doubt that he or his heirs, as the case may be, become entitled to that remuneration, to the payment of which the faith of the Government was pledged.

The question remains, are these claims to be paid with interest or not? To determine this question, it appears to me only necessary to refer to the original mode of payment; to the practice of the Government before and during the suspension of the limitation acts; to the opinion of the Attorney General at a time when there was no excitement on the subject; to the invariable practice of this House, and to the justice and expediency of the thing itself.

How were these claims originally satisfied? Congress was well aware, at the time the promise of payment was made, that it had no funds to satisfy them; that payment could not be made in money that was specie; and therefore, in promising five years' full pay in lieu of half pay for life, by its resolution of March 22, 1783, made this reservation: "in money, or securities on interest at six per cent. per annum, as Congress shall find most convenient." No one is so ignorant as not to know that money was not paid; that Congress adopted the alternative; that commutation certificates, as they were called, were issued to the applicants for the five years' full pay, bearing an interest of six per cent. per annum.

This was the practice of the Government at the close of the war, and before the passage of the limitation acts. These were, however, several times suspended for short periods, and then these claims were again paid, in the same manner, with interest from the termination of the service. I refer you to a communication on the subject, from the Secretary of the Treasury, laid upon our tables during the last session of Congress. It is Document 224. What are we told in this communication? "all certificates of public debt, issued by the Register of the Treasury, by the commissioner of army accounts, and by the commissioners for settling the accounts of individuals in the several States; and in the quartermaster's, Commissary's, marine, and clothing departments, for services rendered or supplies furnished during the war of the Revolution, or in fulfilment of promises contained in any ordinance or resolution of the old Congress, were on interest at six per cent. per annum from the termination of the service, or from the time the supplies were furnished." Can any thing be more clear and conclusive in regard to the practice of the Government? None other could be adopted, because it was directed by an ordinance of Congress adopted soon after the close of the war, (June 3, 1784,) in these words: "Resolved, That an interest of six per cent. per annum shall be allowed to all creditors of the United States, for supplies furnished or services done, from the time that the payment became due."

As a further proof that these claims were adjusted by the Government with an allowance of interest, I will also refer you to an opinion given by the Attorney General (R. Rush) in 1816, when there was little or no excitement on the subject, and which clearly shows that, in his view of things, interest ought to be paid in every case, even where there were special acts of relief, without an express proviso for its payment. The opinion I allude to is contained in Document No. 224 of the last session. It is in these words: "The following case, stated by the Auditor, is submitted by the Secretary of the Treasury to the Attorney General, for his opinion:

"Alexander Hamilton was a lieutenant colonel in the army of the revolutionary war, but was understood to have retired from service towards the close of the year 1781; and in the month of November, 1782, took his seat in Congress, as a member from the State of New York.

"Does the act for the relief of Elizabeth Hamilton, widow of Alexander Hamilton, passed on the 29th of April, 1816, place her on an equal footing with the officers entitled to commutation under the resolution of Congress of March, 1783? Or, in other words, does the spirit and true meaning of the said act require that interest be allowed on the five years' full pay therein granted?

"I think it does. I am given to understand that it has not been the practice of the accounting officers of the Treasury Department to allow interest upon an account directed to be settled or paid by an act of Congress, unless there be in the act itself special words to that effect. This rule, taken as a general one, it is not my part to controvert, nor is it supposed that the above opinion will imply any contradiction.

"I ground it on the peculiar words of the act of April 29, 1816, which, taken in connexion with the resolution of March 22, 1783, appears to me, on full consideration, to enforce the construction that it was the intention of Congress not merely to make an independent grant to Elizabeth Hamilton, but to place her upon a footing of equal advantage, in all respects, with the officers entitled to commutation under that resolution. The consequence will be that, as was the case with the officers themselves, (none of whom, it is believed, received the amount in money,) she too will be entitled to interest at six per cent., the rate specified in the resolution.—Richard Rush, A. G."

The Attorney General, Mr. Chairman, was correct; and those who informed him that it was not "the practice of the accounting officers of the Treasury Department to allow interest upon an account directed to be settled or paid by an act of Congress, unless there be, in the act itself, special words to that effect," were in error, as far at least as regards seven years' half pay and commutation cases. I will turn to a single act in confirmation of the assertion; it is the act of March 27, 1792, entitled "An act for the relief of certain widows, orphans, invalids, and other persons." The first section directs that the Comptroller of the Treasury "adjust the claims of the widows and orphans, respectively, as the case may be, of eight officers named, all of whom were killed or died in the service of the United States, for the seven years' half pay stipulated by the resolve of Congress of the 24th day of August, 1786, and that the Register of the Treasury do issue his certificates accordingly." The fourth section requires the Comptroller to "adjust the accounts of Joseph Pannel, a lieutenant colonel in the service of the United States, as a deranged officer, upon the principles of the act of the late Congress of October, 1780, and allow him the usual commutation of the half pay for life of a lieutenant colonel;" also, to "adjust the account of Thomas McIntire, a captain in the service of the United States during the late war, and to allow him the usual commutation of the half pay for life of a captain; and that the said Register grant certificates for the amount accordingly." Here are seven years' half pay cases; the commutation case of an officer deranged, by the reorganization of the army under the resolves of October, 1780; and the commutation case of an officer serving to the close of the war, provided for. There is no where in the act a clause directing interest to be paid. There are no "special words to that effect in the act itself;" and yet I have before me a letter from the Register of the Treasury, stating that they were all paid with six per cent. interest—the seven years' half pay as well as the commutation cases. It is a fact which cannot be denied, and the Register of the Treasury will satisfy any one upon this head, that the

claims which were presented under the acts of March 23 and 27, 1792, and February 12, 1793, suspending the statutes of limitation as to the claims of widows and orphans, and claims of personal services of officers, &c. were all paid, when admitted at the Treasury, with interest.

Thus much for the practice of the Government before and during the suspension of the limitation acts; and what has been the practice of this House since difficulties were raised at the departments. I will at this time barely reassert what I have shown at large upon a former occasion: that for the last six or eight years it has been the invariable practice, of this House at least, to grant interest on these claims; and that, constituted as the House is, appears to me a strong proof that its justice and equity are deeply felt. I recollect a large number of cases in the twenty-second Congress, and some in the twenty-third, which I will not again name, lest I should exhaust the patience of the committee. To my knowledge, (and I have some little experience, having been here for eight years,) no bill ever passed this House originally without having the interest clause attached to it. In some few instances, I admit, it was overlooked; but bills were afterwards passed providing specially for the interest, where the principal had been allowed by a former act. Such was the case in relation to Price, Slaughter, and Colonel Harrison's heirs. In the case of the heirs of Brownlee, and also of Wilson, claims for seven years' half pay, the bills had been reported without interest; they were amended by adding the interest, and they passed, as amended, in February, 1833. I cannot be mistaken, having in the one case at least moved the amendment myself. Shall we depart from the precedent now? What would be the consequence? Would we, as we should, be dealing out the same measure of justice to all in a like situation? Certainly not. One claimant would receive a thousand dollars, and another, in all respects similarly situated, would not receive more than half that amount. Would not this justly give rise to complaints? Would it not be a reflection upon the judgment and justice of the House? It is true the other branch of Congress has, in the two last sessions, returned our bills with the interest clause stricken out, and they were at the close of those sessions passed in that shape here. It was, however, understood to be without prejudice to the rights of the parties. Their wants being pressing, they thought "half a loaf better than none," and agreed to leave the allowance of interest to the future decision of the House. Here it must be decided, and I trust the principle established by the precedent will not be abandoned.

The only plausible reason I have yet heard for a refusal of interest is the delay which has so often occurred in presenting the claim. In most cases, this delay is, however, easily accounted for. We all know that military men naturally and almost necessarily acquire careless habits in regard to their money affairs: I mean military men actively employed, as were those of the revolutionary war. This was peculiarly and notoriously the case with the chivalry of the army, the gallant Southern officers; and from the South come nearly all these claims.

Besides, there was not much to be gained by applying for commutation certificates prior to the time when the limitation acts took effect. When received, they were worth scarcely more than sixpence in the dollar; never more, I believe, than two and sixpence in the pound, and were looked upon as no better than rags. The poor soldier too often disposed of his certificate for the bounty of eighty dollars, to which he was entitled at the close of the war, for the merest trifle, in which he rejoiced for a single hour; and more still, your Government seemed anxious to defraud them even out of these miserable rags. As early as March, 1785, (scarcely eighteen months after the close of the war,) an act was passed, barring all such claims as should not be presented within twelve months after that date. In July, 1787, a further period of eight months was allowed. How could claims of this description, scattered throughout the whole of an extensive and new country, in many instances in the hands of widows and minor children, who had none to care for them, be expected to be presented in such a time? Who would calculate upon it, particularly when they were considered as of little or no value?

These claims became valuable only after the funding act of August, 1790. After this there was, strictly speaking, but one other suspension of the statutes of limitation, in the year 1792, and that for but a short period. After this, (to the disgrace of the Government it must be said,) in nine cases out of ten, these claims were refused even a consideration, completely thrown out, by pleading the limitation acts. I have had occasion to look over many of the old reports made after that period, and find such to have been almost invariably the case. Yes, sir, when the broken-down veteran, who had destroyed his health and his fortune for his country's good; when his destitute widow, when his hapless orphans, knocked at your doors, and asked for the redemption of your solemn pledges, for the payment of their just dues, you threw them back their petitions, endorsed "barred by the statute of limitation." You refuse a reasonable time for the presentment of claims; and when they are brought, you tell the claimant you cannot even consider it, not because it is not just, but because you did not come in time. Call you this justice? Is this equitable? Is this right?

It is true the poverty of the Government was and may be pleaded in excuse. But can it be pleaded at this time? Are you not burdened with an enormous surplus of revenue—a surplus so great that you scarcely know how to dispose of it, and about which you are continually expressing your fears that it will corrupt your people, degrade your States, and undermine the very foundation of your free institutions? Will you not now, then, do justice to those pure and patriotic men who perilled their lives, their fortunes, and their sacred honor, for your good? Will you still remain deaf to the call of the impoverished descendants of those to whose privations, toil, and blood, you are indebted for all the glorious privileges and all the unequalled prosperity you now enjoy? God Almighty's sun will never shine at any period, or in any land, upon another such a generation as were our fathers of the Revolution, both in the cabinet and field. They have done all for us with sacrifices unequalled any where; and shall we do nothing for them, and for those who must have been dear to them as self, and whose good was jeoparded for the common weal?

Yes, sir, look at that splendid drapery around your chair; behold that inimitable work of the artist's chisel before you, examine these massive and noble pillars, those splendid paintings, these convenient desks, the elegant carpeting under your feet; take a view of this whole splendid Capitol, the noble grounds with which it is surrounded, the superior flagging laid in every direction, that you may not moisten your delicate feet; think of all the glorious privileges, civil and religious, which you enjoy; of the unexampled prosperity which crowns every portion of your land, and every commercial, manufacturing, and agricultural pursuit of its citizens; and then tell me to whom you owe all this. Has it not been purchased by the perils and sacrifices, by the privations and blood, of our glorious fathers of the Revolution? Shall those who bore the heat and burden of the day, and their immediate descendants, not have justice, at least, at your hands? Shall the solemn pledges made

them not be redeemed? Shall they be defeated by pleading limitation acts? I trust not.

I do not wish, Mr. Chairman, to address myself to the feelings of gentlemen; I do not wish to enlist their passions, or I might say more. I wish a verdict in favor of the officers of the Revolution and their descendants from their sound sense and deliberate judgment only. They ask no favors. They ask for justice, and justice alone. Satisfy them thus far, and let not the world say: republics are always ungrateful and always unjust. The very nature of the case demands this, and the common good. Or would it be just to refuse a claim, founded upon a solemn pledge of the Government, purchased in most cases by the life and blood of a citizen, yielded in the service of the country, yielded to attain the glorious independence, the high privileges, the distinguished blessings, we now enjoy? Would it be just, would it be equitable, would it be creditable, to refuse redeeming a pledge given under circumstances like these? Or do we value a little contemptible pelf more than the precious blood of patriotic citizens?

But, sir, not only justice and equity demand a settlement of these claims, upon the most liberal principles, with interest, I mean, but also the common good. We are now enjoying the blessings of peace, but we cannot expect to enjoy them always. War will again come, be it sooner or later. If you refuse to redeem the pledges you gave your soldiers, the pledge, particularly, to take care of their widows and orphans in case they should fall fighting your battles, how can you expect men to enter your service hereafter?

The best soldiers, the bravest defenders of their country, are undoubtedly those who are most attached to their homesteads, to their wives and their children. If you rob them of the hope that their wives and little ones are to be provided for, if you lead them to believe that your solemn pledges in this respect are not to be redeemed, how dare you expect them cheerfully to lead the forlorn hope, manfully to mount the breach, gallantly to storm the battery, in the very face of death and destruction?

I have but one more word to say. It is not the bill itself now before you, but the principle involved in it, which is important; it is because it must decide the fate of many others, that it is contested. Against this particular bill there seems to be but slight objections. If I distinctly heard the gentleman from Vermont, [Mr. ALLEN,] he thought the evidence not of the strongest character. Sir, you have the certificate of officers of the army as to the necessary service of officers engaged in the same contest; you have the deposition of a most worthy citizen, living at the period; you have the records of the State of Virginia, that he received land bounty for services from 1776 to February 13, 1781; you have his pay certificate from the same State, for services from 1776 to February 23, 1781—the very period when the Virginia continental line was reorganized, under the resolutions of October, 1780, at Chesterfield, by a board of officers convened for that special purpose, the Baron Steuben presiding. Admitting that he was deranged at that period, the very circumstance entitles his heirs to commutation. That he was afterwards found serving at the siege of York, in the fall of that year, should not weaken but strengthen his claim. Then all the chivalry of Virginia, and every officer who had seen service, took the field, and crowded around the banner raised for liberty and our country. Sir, it is a plain case, and I will lose no more words upon it. All I desire and ask is a prompt and final decision; a decision just in itself, honorable to this House, and tending to secure the common good.

On motion of Mr. VINTON, the committee rose, reported progress, and obtained leave to sit again.

The House then adjourned.

SATURDAY, DECEMBER 31.

DEPOSITE BANKS.

The House proceeded to the consideration of the following resolution, heretofore offered by Mr. GARLAND, of Virginia:

Resolved, That the Secretary of the Treasury communicate to this House, if within his power, the dividends and surpluses which were declared by, and the surpluses and contingent funds remaining in, the several banks in which the public money is deposited, for the years 1833, 1834, 1835, and 1836, severally.

To which resolution the following amendment had been heretofore offered by Mr. HARLAN:

"And that he state, also, whether the salary or compensation of an agent at the seat of the General Government composes a part of the expenses of the said banks; the name of the said agent, and the several sums paid to him by the said institutions, respectively."

The pending question was on the motion submitted by Mr. HANNEGAN, when the subject was last under consideration, to lay the amendment and resolution on the table; on which motion the yeas and nays had heretofore been ordered, and, having been now taken, were: Yeas 28, nays 141.

So the House refused to lay the subject on the table.

Mr. GILLET thereupon withdrew his amendment; and the question recurring on the proposed amendment of Mr. HARLAN—

Mr. CUSHMAN called for the previous question; which the House refused to second: Yeas 71, nays 90.

So the previous question was not seconded.

The question on the adoption of the amendment again recurring,

Mr. GRANGER called for the yeas and nays; which were ordered.

Mr. HARLAN hoped that the House would not oppose the adoption of his amendment. It had been stated again and again, both in and out of the House, that a certain person residing in this city occupied a room in the Treasury Department, the rent of which was paid by that Department; that he communicated with these deposite banks; and that through him, under the frank of the Secretary of the Treasury, the correspondence of the banks was carried on. If there was such an agent, the people had a right to know it.

He (Mr. H.) did not pretend to assert whether there was such an agent or not; but he did say that the statements which had gone forth to that effect, through the public press and other channels, were sufficient ground on which to institute an inquiry, and to call for a distinct answer from the Secretary of the Treasury.

The deposite banks, it was said, had realized large sums by means of the public money. Two or three years before the charter of the United States Bank expired, these deposites were taken from that institution, the place pointed out by law for their safe keeping. What amount the Government might have lost, he could not tell. But it was necessary the people should know what was done with their money, and whether any confidential agent existed, who, under the sanction of the Secretary of the Treasury, had the control of these institutions.

Mr. GARLAND, of Virginia, said that his only object in offering the resolution had been to ascertain what profits had been realized by these banks, out of moneys deposited there, for which the Government had no use. As regarded the amendment proposed by the gentleman from Kentucky, it would be remembered that when the gentleman from Virginia, [Mr. WISE,] at a former period, offered a resolution in a more extended form, asking for an inquiry into alleged abuses in the Treasury Department, he (Mr. G.) had voted for that inquiry, and he would do so again. But he could not regard the

amendment now proposed as pertinent to the resolution. Still, he would vote for it. He would ask, however, were these deposite banks chartered by the Government of the United States, or did they owe any responsibility to the Government, except so far as they had entered into contracts? They did not; and if the banks thought proper to expend their money in the employment of an agent at Washington, or elsewhere, they had a right to do so, so long as they did not expend a dollar of the public money. If it could be shown that there was any improper connexion between R. M. Whitney, the individual so often referred to, or any other person, and the Treasury Department and deposite banks, he (Mr. G.) was willing to know the truth, and to correct the evil, if it existed. It had been charged that the friends of the administration wished to conceal hidden fraud and corruption. Let them meet the charges coming from a gentleman politically opposed to them; let him have as full an inquiry as possible; and, although he (Mr. G.) could not consider the amendment as intimately connected with the resolution, still he would never close his eyes upon any fraud, corruption, or mismanagement, come from what quarter it would; and he would never deny any inquiry which might lead to its detection. He did not believe that fraud or corruption could be discovered, but he was desirous to give the opportunity.

Mr. THOMPSON, of South Carolina, expressed the gratification which he had felt in listening to the sentiments expressed by the gentleman from Virginia, [Mr. GARLAND.] Without reflecting on the motives of others, he (Mr. T.) thanked that gentleman for the manly and honorable course he had taken in this matter.

The subject of Reuben M. Whitney's connexion with the Treasury was one of deep excitement in every part of the Union. He (Mr. T.) had forborne to make any charges or insinuations, until he had evidence before him. Now, he desired that the evidence sought by the amendment should be procured, for it had a most important bearing on the whole subject. And he must be permitted to say that, if he did not raise the cry of democracy so loudly and so constantly as some men, he was yet democrat enough to have confidence that the people of this country would do what was right, when they understood what was right; and any opposition to this investigation would come with an ill grace from those who professed themselves to be the friends of the people. He wished to know what was the nature of R. M. Whitney's connexion with these banks, and what compensation he received. Let the suspicions which were abroad be either put down or confirmed. Whatever this individual's connexion might turn out to be with the banks, he (Mr. T.) believed it to be an absolute autocrasy; he believed that the "*sic volo, sic jubeo*" of R. M. Whitney placed money in the banks and took money out of them. He believed such to be the fact, though he did not know it; and if R. M. Whitney had this power, was it not all-important that the people should know it? He (Mr. T.) had nothing to say about his character; but he desired to know whether R. M. Whitney was not influenced by douceurs from these banks; whether it was true that he received fifty thousand dollars a year, as had been stated. A bank which had a million of the public money on deposite, which was yielding $60,000 per annum, could readily afford to pay a part of the compensation named. He (Mr. T.) thought his suspicions that such a sum was paid would be confirmed. In any event, he desired to submit the case to the American people, with a full knowledge of all the circumstances. He hoped the gentlemen opposed to him would meet him fully in this instance. If all was fair, as it should be, and as he trusted it might prove to be, let the friends of the administration have all the benefit which would result from the refutation of the charges.

Mr. D. J. PEARCE said he had voted to lay the resolution and amendment on the table, because he was opposed both to the one and the other.

He was in favor of any resolution directing inquiry into any department of the Government where, in the nature of things, it was proper the inquiry should be made. He considered the whole proposition as a work of supererogation. He would vote for the resolution, if any gentleman who viewed the subject in a different light from himself would put it in a proper shape. If the gentleman from Kentucky [Mr. HARLAN] wanted a committee appointed on the part of the House, to ascertain whether the Secretary of the Treasury had assumed banking privileges; whether R. M. Whitney was stationed here as the agent of the deposite banks, with a view of giving him privileges above other individuals, and of receiving from the Secretary of the Treasury a protection which the Secretary could not correctly confer upon another man, nor legally upon him, (R. M. W.;) if, in short, the question was to resolve itself into one of malfeasance or malversation in office, he (Mr. P.) was willing, for one, that the committee should be raised, that the gentleman from Kentucky should be at the head of it, and that he should fully investigate all charges, so far as they can be made against the Secretary of the Treasury.

But suppose that Reuben M. Whitney was the agent of the deposite banks. He was not an agent under any act of Congress, or under any power which the Secretary of the Treasury could exercise. He was the agent by virtue of a contract between him and the deposite banks. What right had the House or the Secretary of the Treasury to ask these banks if they had an agent, or what compensation was given to him? They might answer the question if they thought proper; and if they did not think proper to answer it, the House would be no wiser by adopting this resolution.

It had been said that R. M. Whitney was seen in this city, sometimes in his office, sometimes reading newspapers; and because he was so seen, the House was to adopt a resolution making these formal inquiries from the Secretary of the Treasury. So far as any thing could be brought to bear on the Secretary of the Treasury, showing an improper connexion between him and R. M. Whitney, or any other individual, he (Mr. P.) was willing to go for an inquiry; but as to these roving investigations, these inquisitions, he had expressed his opinion against them; he believed that no benefit was to be derived from them by the American people, and that their only effect would be to agitate the public mind. So much (said Mr. P.) for Reuben M. Whitney, who (Mr. P. apprehended) was one day to become a great man, on the ground that those who were great were indebted for their elevation more to their enemies than their friends; and who, but for the fictitious consequence which he had gathered from the thousand rumors which had been circulated against him, might have glided on to his grave with the contemptible insensibility of an oyster, so far as Congress would have had any thing to do with him.

But as to the resolution itself. When did the bill by which these deposites were regulated become a law? At the last session of Congress, he believed. These banks would, no doubt, do what they had contracted to do under the deposite bill of the last session. They were under contracts with the Secretary of the Treasury—contracts entered into subsequent to the passage of that bill, and to the requirements of which they had conformed. But the resolution of the gentleman from Virginia [Mr. GARLAND] goes back to the years 1835 and 1836. What right had the Secretary of the Treasury to call for this information? What control could he exercise over the banks, independent of what was contained in the con-

tract under the deposite bill? Would the banks condescend to comply with such requirements? And if not, of what avail was the resolution, or what benefit could result from its adoption?

He saw no reason why the Secretary of the Treasury should make inquiries into these banks, rather than into any other banks, in order to know their surplus on hand. There was evil to be apprehended from the surplus on hand in all the banks; but this was the result of the banking system. If the object of the resolution really was to confer benefit on the public, then let the inquiry be extended to all similar institutions in the country. If Congress was to legislate at all, let them not legislate for the few, but for the whole. Let them legislate for the people, for the hewers of wood and the drawers of water; for those men who suffer, and are made to suffer, in consequence of these institutions.

Mr. TOUCEY said he could see no objection to the resolution, nor any substantial objection to the amendment. Could any gentleman object to a simple call for facts in possession of the Department, where it was deemed important to every member that they should be in possession of Congress? The gentleman from Rhode Island [Mr. PEARCE] had inquired why not as well call for this information in relation to all the banks? He (Mr. T.) would answer. By a law passed at the last session of Congress, and by the course of the Department under that law, contracts had been entered into with these deposite banks; and, as a preliminary to the formation of these contracts, the banks were required to put the Department in possession of certain information in relation to their condition and business. For this reason he (Mr. T.) would limit the inquiry to these banks. With other banks Congress had nothing to do. He would, therefore, vote in favor of the resolution, and also of the amendment. A certain agent in the Treasury Department had been alleged to be in this city, performing certain acts. The House had already received a communication from the Treasury Department, stating that that individual had no connexion with that Department. He had no connexion, for aught Mr. T. knew, with the deposite banks; and, so far as he was aware, there was no impropriety in their employing such an agent. But if these banks had communicated facts to the Treasury Department in relation to that agent, which it was important for the House to know, let him communicate them.

The House did not ask for any information which these banks were not required to give by virtue of their contracts. They asked for information, so far as it was in the possession of the Department. He was for light; for fair investigation and inquiry; and, so far as it could properly be done, he would examine and sift the Department to the bottom. It was not for the House, nor for the Legislature, to refuse inquiry into any Department. This was not an inquisition; it was a proper and legal inquiry into a public Department, not necessarily involving the supposition that any thing was wrong. He hoped the inquiry would be allowed, and he appealed to the House to adopt the resolution, and thus throw open the door to discovery, if any thing there was to discover.

Mr. VANDERPOEL said that he apprehended that the amendment of the honorable gentleman from Kentucky [Mr. HARLAN] would not secure his object, at least if his object was to ascertain whether there was any agent, without the authority of law, connected with the Treasury Department, to correspond or communicate with the deposite banks. It had been often alleged here, as a matter of suspicion, if not of conviction, that an agent, unauthorized by law, and paid, probably, out of the public moneys, was employed by the Secretary of the Treasury to negotiate with the deposite banks. He would submit a resolution which would require the Secretary of the Treasury to respond distinctly to the point, whether such agency existed; and if so, who pays such agent. Mr. V. then submitted the following, as an amendment to the amendment of the gentleman from Kentucky:

"And whether the Treasury Department has any agent or attorney, to correspond or communicate with said deposite banks, in relation to the public deposites; if so, who is such agent or correspondent, what compensation is allowed to him, and by whom is such allowance made or paid."

Pending which, the hour having elapsed, the House, on motion of Mr. E. WHITTLESEY, passed to the orders of the day, being the consideration of bills on the calendar of private business.

The House suspended the rule to enable Mr. THOMSON, of Ohio, to offer the following resolution, which was agreed to:

Resolved, That the use of this hall be allowed for an exhibition of the pupils of the New England Institution for the Education of the Blind, under the direction of Doctor S. G. Howe, on Tuesday next, at half past 10 o'clock A. M., for the space of one hour.

LOUIS DURETT.

The residue of the day was spent upon bills for relief of individuals and others.

Among other business,

The bill for the relief of the heirs of Louis Durett was read the third time.

Mr. LYON said he felt it his duty to oppose the passage of the bill in its present form, and would, when he had given a brief explanation of the case as he understood it, move to lay the bill on the table. It proposed to release to the heirs of Durett all title or claim of the United States to sixty arpens of land in the city of Mobile, of great value, and with very indefinite and uncertain boundaries. He said he had no knowledge of the merits of the claim, beyond what is afforded by the papers referred to the Committee on Private Land Claims. It may be (said Mr. L.) that the heirs of Durett are entitled to land in or near Mobile; but he was not sufficiently advised of the facts and circumstances connected with their claim to induce him to vote for the bill before the House, or consent to its passage in its present form. When the committee reported upon this case at the last session, Mr. L. said he had examined into it with a view to ascertain how or why it was that the claim embraced the particular quantity of sixty arpens square. It did not purport to be founded upon any French, British, or Spanish grant; and the United States had never disposed of lands by arpens, unless in confirming grants made by other Governments. He had applied to the Commissioner of the General Land Office, and requested him to examine the boundaries designated in the bill, and furnish him a map identifying the tract described in it. Mr. L. wished the information to enable him to determine if the claim would conflict with other claimants of real estate in Mobile; but was informed by the Commissioner that the bill did not furnish such a description of the boundaries of the tract proposed to be confirmed as would enable him to identify it on the map. Mr. L. said he was unable, from the want of certainty in the boundaries as described in the bill, to determine to what extent the sixty arpens square would conflict with the claims of others.

He had examined the several reports of the different boards of land commissioners appointed to examine and recommend such claims for confirmation, and the result of this examination had not satisfied him that the present bill ought to pass. In the report of actual settlers prior to the 3d of March, 1819, who had no claims derived from either the Spanish, French, or

British Governments, made in 1830 by the board of commissioners east of Pearl river, the representatives of Louis Durett are reported for a lot below Mobile, settled from March, 1790, to April, 1820. The size or contents of this lot the commissioners failed to specify; but, at a subsequent time, a city lot, 64 by 128 feet, appears to have been surveyed for their claim. A still later report of the commissioners of private land claims shows that Joseph Durett asserted a claim before them for sixty arpens square in Mobile, as inhabited and cultivated from 1802 to 1807. This claim was reported as not entitled to confirmation, because not provided for by law.

An act of Congress, now in force, has created a tribunal for the examination, in the first instance, of cases like the one before the House. By the act of March, 1829, the register and receiver of the land district in which Mobile is embraced have been created a board of commissioners for the examination of cases like the present, with authority to report upon them, and, if established by proof, to recommend them for confirmation. This board is convenient to all interested, and it would be more regular and satisfactory for Congress to act upon the official report of the commissioners, than to rely upon testimony of which adverse claimants may have received no notice.

There was still another reason (Mr. L. said) why he could not consent to the passage of the bill. A respectable number of his constituents had, in a petition to Congress, requested that no final action should be had upon claims like the present, unless it be shown that adverse claimants had received notice of application being made to Congress to confirm them. The papers in this case did not show that any notice whatever had been given. He had no information as to the nature of any adverse claims to the land sought by the heirs of Durett; but, from the best location he could give the land, under the boundary described in the bill, it would seem to conflict with the claims of "De La Croix under Francis Collell," and "Joshua Kennedy under William McBoy," marked upon the map of Mobile in the General Land Office. He knew nothing of the nature of these claims, but it might be that they were as much entitled to a relinquishment of the title of the United States as Durett; at least, he was disposed that all should have a hearing; and an investigation into the merits of the conflicting claims could be had with more convenience to the parties before the board of land commissioners, in the country where the land is situated, and where the parties reside, than before Congress. Mr. L. said he was unwilling to vote for a confirmation of Durett's claim, without affording the other supposed adverse claimants an opportunity of being heard. The passage of the bill might do injustice to other claimants equally as much entitled to the same land, and he was not disposed to involve any portion of his constituents in unnecessary lawsuits. He was not prepared to say to what extent the bill would give rise to litigation; but as the case was important, and the value of the property very great, he preferred the claimants should come to Congress with a report from the board of land commissioners, setting forth all the important facts connected with the claim, and with such others as may interfere with it.

Mr. L. having moved to lay the bill on table, was requested by Mr. HUNTSMAN to withdraw the motion; and did so, in order to allow the latter gentleman to make some observations in support of the bill. After which,

Mr. LYON renewed his motion to lay the bill on the table, but finally, at the instance of Mr. GARLAND, of Louisiana, consented to a postponement of the bill to Friday next.

And then the House adjourned.

TUESDAY, JANUARY 3.

DEPOSITE BANKS.

The unfinished business of the morning hour was the following resolution, heretofore offered by Mr. GARLAND, of Virginia:

"*Resolved*, That the Secretary of the Treasury communicate to this House, if within his power, a statement of the dividends and surpluses which were declared by, and the surpluses and contingent funds remaining in, the several banks in which the public money is deposited, for the years 1833, 1834, 1835, and 1836, severally."

To which resolution the following amendment had been heretofore offered by Mr. HARLAN:

"And that he state, also, whether the salary or compensation of an agent at the seat of the General Government composes a part of the expenses of the said banks; the name of the said agent, and the several sums paid to him by the said institutions, respectively."

To which amendment Mr. VANDERPOEL heretofore offered the following amendment:

"And whether the Treasury Department has any agent or attorney, to correspond or communicate with said deposite banks in relation to the public deposites; if so, who is such agent or correspondent, what compensation is allowed to him, and by whom is such allowance made or paid."

Mr. PEYTON sent to the Chair an amendment, which substituted a committee, with power to send for persons and papers, for the Secretary of the Treasury.

The CHAIR decided that it was out of order to offer the amendment at that time.

Mr. PEYTON gave notice that, when in order, he would move so to amend the resolution and amendments as to refer the whole inquiry to a select committee, with power to send for persons and papers. He called upon his friends, and those who were friendly to an investigation, not to vote for the original resolution, or either of the amendments, in their present form. To what (said Mr. P.) do they amount? To nothing more than the resolution offered by the gentleman from Virginia [Mr. DROMGOOLE] at the last session of Congress, against which we all voted. It is simply a call on the Secretary of the Treasury—an appeal to him to send us a whitewashing defence of himself and his friend Reuben Whitney, if he chose to do so. Why call on the Secretary of the Treasury? Do you call upon him to do his duty merely, or for something over, above, beyond his official power and duty? His duty is written, his power is defined in the law. Is it to be presumed that, if the obligations of law and official responsibility have had no effect upon him, a resolution of this House will be more powerful in its effects? Let us advert to the duty of the Secretary of the Treasury. What does the act of Congress require at his hands?

"SEC. 3. No bank shall hereafter be selected and employed by the Secretary of the Treasury as a depository of the public money, until such bank shall have furnished to the said Secretary a statement of its condition and business," &c.

"SEC. 4. Each bank shall furnish to the Secretary of the Treasury, from time to time, as often as he may require, not exceeding once a week, statements setting forth its condition and busiuess, &c. And the said banks shall furnish to the Secretary of the Treasury, and to the Treasurer of the United States, a weekly statement of the condition of his account upon their books. And the Secretary of the Treasury shall have the right, by himself or an agent appointed for that purpose, to inspect such general accounts in the books of the bank as shall relate to the said statements," &c.

"SEC. 10. That it shall be the duty of the Secretary of the Treasury to lay before Congress, at the commence-

ment of each annual session, a statement of the number and names of the banks employed as depositories of the public money, and of their condition, and the amount of the public money deposited in each, as shown by their returns at the Treasury; and if the selection of any bank as a depository of the public money be made by the Secretary of the Treasury while Congress is in session, he shall immediately report the name and condition of said bank to Congress; and if any such selection shall be made during the recess of Congress, he shall report the same to Congress during the first week of its next session."

There, sir, is the Secretary's power, broad and ample. Here is his duty, plain and explicit. Has the Secretary failed in either? Has he omitted to exercise that power which has been conferred upon him for the care and safety of the public money? Or has he failed to make his annual report, as required by the act of Congress? Or, as has been intimated by the gentleman from Rhode Island, [Mr. D. J. Pearce,] is it a call upon the Secretary for something which he does not officially know? The resolution begins thus: "*Resolved*, That the Secretary of the Treasury communicate to this House, if within his power," &c. Now, sir, this either means to require the Secretary to give the House that information which the law made it his duty to communicate to Congress at its meeting, or it appeals to him for that which is unknown to him officially, and is placed beyond his power by the law itself. In either point of view, this call is useless, is absurd. If he has done his duty, and given the House all the information within his power, why ask him again to do so? If he has failed in this—if he has stood out in contempt of the laws of his country, in violation of his official obligations—why appeal to him by way of resolution? If there is any well-founded suspicion of this, it would furnish a conclusive reason why a committee should be raised. But, sir, suppose the object is to call upon the Secretary, not as a public officer, to make an official communication to this House, but as an individual, to give us his private views and opinions in relation to the subjects mentioned. I am still more opposed to that course. Strip the Secretary of his ministerial robes, of his official power, and what right has he to make any communication to this House? No, sir; I wish to bring him to the book—to his oath before a committee. Any other course will be trifling with the dignity of this body.

I am equally opposed to the amendment offered by my friend from Kentucky [Mr. Harlan] in its present form, and for the same reason, because it appeals to the Secretary for information. It reads thus: "And that he [the Secretary] state, also, whether the salary or compensation of an agent at the seat of the General Government composes a part of the expenses of said banks; the name of the said agent, and the several sums paid to him by said institutions, respectively." Now, sir, I do not wish to hear one word from the Secretary about that agent, unless it is upon oath; and I think that my friend from Kentucky will agree with me as to the means of effecting the object. I agree with him fully in the end, and I hope we will not differ as to the best, and in my judgment the only, means of effecting it. If the Secretary is cognizant of any thing improper, it was his duty, as a faithful officer, as a man of honor, to have made it known. But, sir, I suppose he too considers Reuben Whitney a private citizen, the agent of the banks and not of the Treasury. Sir, during the present session of Congress I had occasion to go into the Treasury Department, and, on shoving open the front door, the first thing that met my eye, full in front, was R. M. Whitney, blazing in capitals as large as the sign of a livery stable. Now, sir, if he is a private citizen, what is he doing with a sign? If he has quit business stealing, why not take down his sign? What is he doing in the Treasury Department? How came he there? You might as well turn a horse into a new ground field, and tell him not to bite the pumpkins, as to turn Reuben Whitney into the Treasury, and tell him not to steal the money. Suspicion is aroused, it is abroad through the country every where in relation to this man's mysterious connexion with the Treasury; and the very efforts to shield him have greatly increased those suspicions. It is true that the gentleman from Rhode Island [Mr. D. J. Pearce] has predicted that Reuben is to be a great man, made so by his enemies; I am willing to make him greater. I am anxious to give him an opportunity to blazon his virtues, and make him "great only as he is good." But what constitutes a great man at this day, according to that gentleman's conceptions of greatness? The first item in the account of this man's greatness is, that he was charged and convicted, by his own confessions upon oath, before a committee of this House, of having been a traitor to his country during the last war. The second item in the account is, that he was convicted of perjury by the same committee, a majority of whom were his political friends. And, lastly, that he is suspected, upon evidence strong enough to send a poor man to the penitentiary, of plundering the Treasury; of being a sort of general, federal rogue, employed by a company to steal by the year for them. This closes the account. And Reuben truly has a claim to greatness—a great traitor, a great liar, and a great rogue.

I wish this investigation to be made by a committee of this House, composed of men, as I hope it will be, too generous to persecute even Reuben Whitney, and too just to favor the Secretary of the Treasury. And then Reuben may point to his patriotic deeds during the war; to the evidence of his truth in his examination in 1832, and to the honesty and fairness of his conduct in relation to the public money.

Mr. Speaker, in the Globe of this morning I read an article which squints at throwing Reuben overboard. It is time the Secretary had cut loose; that he had unlashed himself from him. "If you will tell me who you live with, I will tell you who you are," is an adage not more trite than true. This Secretary and this same "great" man have been housed together since his appointment to the station he fills. I will call the attention of the House to a few facts, which will show whether Reuben M. Whitney has any claim to the shield which has been thrown around him, under the name of private citizen; and whether the Secretary is not the last man in the nation who should be appealed to as his judge. Whitney has assumed the responsibility of speaking in the name of that Secretary to the officers of Government, who are bound to obey him, and those functionaries recognised and obeyed his instructions. This could not have escaped the knowledge of the Secretary. Whitney was his friend, his daily associate, his bosom crony. Not only so, but Whitney's instructions, given by authority of the Secretary, were in one instance made public in the newspapers, and republished in the journals of this city. He gave instructions to the receivers in the land offices what kind of money they should receive in payment for public lands. And, in conclusion, he holds the power of the Secretary of the Treasury in terror over the heads of the receivers, threatening them in his name, and by his authority, in case of complaint. Were these the acts of a private citizen? Does the Secretary stand in a relation so impartial that his word, his bare *ipse dixit*, will be satisfactory? Sir, is it not giving Reuben Whitney power over the currency? The power to destroy that equality of competition for the public domain, which is the birthright of every American citizen? How dare he say to a receiver of public money that the paper of this solvent specie-paying bank shall

be excluded, when offered by one citizen, and the paper of another shall shall be received? And, to insure obedience to his mandate, he threatens the receiver with the power of the Secretary of the Treasury. Here is his circular, which was first published in a new Van Buren paper in Missouri. The editor had not been long in the ranks, or he never would have made the disclosure.

From the Missouri Republican, May 14, 1836.

THE PUBLIC MONEYS.—The Globe, in the month of September last, published the details of an arrangement made by the different deposite banks, by which the long-promised "better currency," as that paper then styled it, was to be secured to the country. The details, as we have said, were given, but it did not appear that the arrangement was the fruit of Reuben M. Whitney's labors; nor has this fact, so far as we know, been alluded to at any time. Such, however, was the case. A new Van Buren paper has been recently started at Palmyra, in this State, called the "Marion Journal," the first number of which contains a communication from Mr. Blakely, receiver of public moneys for that district, in which a "circular," imbodying the whole arrangement, with instructions from "R. M. Whitney," is inserted. The receiver commences with these remarkable words: "I am instructed to receive in payment for public lands the notes on the following banks;" and then copies the circular, dated "Washington, August 21, 1835."

The opening paragraph—which, as well as those parts inserted below, was suppressed by the Globe—reads thus: "I have the pleasure to inform you that, since my circular to you of the 25th June last, I have received communications from the greater part of the deposite banks, upon the subject of redeeming such of their notes in New York and Philadelphia as may be received on deposite from receivers of proceeds of public lands, as well as receiving from such receivers the notes of such of the deposite and other banks as redeem the same either in New York or Philadelphia; and I am now enabled to communicate to you the arrangements made with the following banks."

Then follow the "arrangements" announced, and which we have already published. Mr. Whitney closes his circular by saying:

"These arrangements have been entered into with the understanding and full reliance that each bank will act towards the other in fairness, and with most sacred fidelity; that no one will call upon any other to redeem their notes which have not been received from the public receivers, or in payment of public dues, in cases where the banks have extended the limitation that far.

"I have forwarded a copy of this to each of the public receivers, and I have no doubt but they will act with such fairness that no injustice will be done to any one of the deposite banks. Should it ever be otherwise, and any one of the banks have cause to feel aggrieved, I am authorized by the Secretary of the Treasury to say that he will take the most prompt measures to remove any just cause of complaint.

"It is expected, by all the banks which have come into the arrangement, that when one forwards for redemption, at the places named, the notes of any other bank, it will, at the same time, inform such bank of the amount which it has thus sent forward.

"I would suggest that, in case any one of the deposite banks which have not entered into this arrangement shall hereafter do so, they communicate the terms, &c. to me, that the same may be communicated to the others, as well as to the public receivers.

"As it will greatly increase the security against counterfeits, I would suggest that each deposite bank which has or may enter into this arrangement forward to each of the other deposite banks, and to each of the public receivers, the signatures of their respective presidents and cashiers. For this purpose, I forward with this a list of the public receivers, with the places of their residence.

"I am, very respectfully, your obedient servant,
"R. M. WHITNEY."

In the course of the investigations, newspaper and otherwise, which have taken place within the last few months, it has been boldly denied that R. M. Whitney had any connexion with the Treasury Department. In his letter to the publishers of the Globe, of the 5th of March last, he represents himself as the agent "of a number of the most respectable deposite banks," employed to reside at Washington, to act as their corresponding agent, and to look after their interests generally. The Globe denied that he had any official connexion with the Treasury; and an inquiry was objected to in Congress, because he was a private citizen. The circular before us, however, unveils his true character. He has, beyond a doubt, the control of all the funds received into the Treasury from the sale of public lands; he avowedly acts under authority from the Secretary of the Treasury, and threatens all erring banks with "prompt measures to remove any just cause of complaint;" he is recognised as a Treasury officer by the receiver who published the circular; for Mr. B. expressly says, "I am instructed,' &c., and goes on to quote the letter of instructions. Either this must be the case—either he is an accredited officer of the Treasury Department, or he must be a private citizen, the agent "of a number of respectable banks," if you choose, but still having the exclusive regulation of the currency, and the control of eleven millions or more of money received for public lands annually. When before has the spectacle been presented to us of a private citizen giving peremptory instructions to Government officers, and wielding many millions of public money for the benefit of banks paying him a high price for his services?

Mr. Blakely, the receiver, commences, "I am instructed." By whom? By this private gentleman, Reuben M. Whitney? To do what? To receive in payment for public lands the notes on the following banks, &c. He (Whitney) speaks of other circulars which he had sent on before this. And what does he direct shall be done? That the notes of such banks as redeem the same in New York and Philadelphia shall be receivable in payment for the public lands. And, in conclusion, which puts it beyond doubt that the Secretary was privy to this assumption of power, he says: "Should it ever be otherwise, and any one of the banks have cause to feel aggrieved, I am authorized by the Secretary of the Treasury to say that he will take the most prompt measures to remove any just cause of complaint." And yet Reuben is a private citizen, and the Secretary is called on to say so, upon honor.

Sir, this association of the Secretary with Whitney is not creditable to him. Who is Whitney? What did the Secretary know him to be? Why did he ever countenance such a man in so responsible a station? I heard a gentleman of the first respectability, of the highest honor and most commanding talents, of the city of Baltimore, who was a personal friend to Mr. Taney, though a political opponent, say to a friend of mine in this city, during the last session of Congress, that when it was first rumored that Reuben M. Whitney was to be the agent employed by the Treasury Department to perform the duties of the station which he now fills, as it appears, under the employment of the deposite banks, he wrote to Mr. Taney, giving Whitney's character, from the time of his treason down to the day of his perjury, and expressing a hope that Mr. Taney would not

give countenance to such a man, blackened as he was with infamy, and rank with treason. Mr. Taney replied that he need give himself no uneasiness; that he knew Whitney's character too well to give him any such employment. But, sir, no sooner is Mr. Taney gone, than Reuben breaks into the Treasury, where he has been ever since, and wields its power to the destruction of the currency and prosperity of the country, and the equal rights of the citizen. Yes, sir, this is the man for whose examination, before a committee of this House, we have been clamoring so long in vain. And I blush to say that a majority of the House of Representatives are afraid--yes, sir, they are ashamed of it; but they dare not grant the investigation. I cannot account for this. It cannot be for any love they bear Whitney. It must be that he has their leaders in his power; that they fear he will turn state's evidence if they expose and cast him off; and they are obliged to hug him to their bosoms, corrupt mass as he is.

Sir, this private citizen has, as it has been stated, (and I have it in such a way that I cannot doubt the fact,) when the public money was deposited in the bank of a city—(I will not even name the city, lest it might lead to the punishment of the institution; I will not knowingly be the cause of inflicting injury on any man or on any institution; for I am sure that the officers of those institutions subject to Whitney's power are restrained from volunteering statements against him, but will cheerfully come forward under a subpœna, and disclose all they may know)—but, sir, soon after the deposite was made in the bank to which I allude, a letter came on from Mr. Whitney, suggesting the importance of having an agent at this city; that he was the agent for many of the deposite banks, and would undertake a like agency for that bank at an enormous salary, which he named. The bank declined having any connexion with him whatever; and, sir, very soon the deposites began to dwindle in that institution, and accumulate in another, which was in the same city, of which Whitney was agent. Now, sir, what is this? Is it not putting up the public money by Reuben M. Whitney at auction, to the highest bidder, for his own benefit, amongst the banks? Will not that bank give most for its use which is hardest pressed for means? And will not the safety of the public money be thereby jeoparded? Now, this way of starving a bank out of its deposites is a cunning device to evade the law, which requires that no removal of money shall be made but for certain causes therein specified; and that the Secretary shall report to Congress the cause of removal. But, sir, when money is thus removed under Reuben's system, we get no report—the Secretary knows nothing of it officially.

Sir, I have searched in vain for the contract between the Treasury Department and the deposite bank of this city, during this morning. I regret my inability to find it; for if my memory does not very much mislead me, I once saw that contract, or a copy, or an extract from it, wherein it appeared that the Secretary of the Treasury reserved the right to appoint an agent, such an agent as Whitney is said to be. But yet he appoints no agent; for, if he appointed the agent, all he did would necessarily appear in the Department, and the Secretary would be compelled to make annual reports of his doings to Congress; but, by shifting the employment of the agent upon the deposite banks, this is all evaded; and still a hint from the Secretary, through a friend, would be sufficient to control the appointment. Now, is this right? Is it not putting the banks in the power of the agent? It is granting him a letter of marque and reprisal upon the banks, which he may plunder at pleasure.

Sir, it had not been my purpose to say any thing on this proposition. In conclusion, I hope that those gentlemen with whom I have heretofore acted will not vote for either the resolution or the amendments, unless the gentleman from Virginia [Mr. GARLAND] will accept the amendment for the appointment of a select committee. In this form, I will vote for the resolution with all my heart; and I appeal to the gentleman to accept the amendment. Unless this is done, the effect of the resolution really will be to smother and conceal, though I am sure, from the frank, bold, and manly bearing of that gentleman, such is not his design.

Mr. GARLAND, of Virginia, said that the gentleman from Tennessee had done him no more than justice, in expressing his belief that he had no desire to conceal fraud or corruption in the Treasury Department or any other. Whilst he (Mr. G.) stood here as the representative of a free and enlightened people, he would never, by any vote or act of his, attempt to conceal from the public view any fraud or corruption, come in whatsoever shape or form it might. But when he had offered this resolution, the gentleman from Tennessee was not in his seat. At that time, he (Mr. G.) avowed that the only object he had in view was to elicit a simple fact in relation to a pending inquiry, having reference to the revenue of the country. At that time, he had not the most remote idea that any inquiry in regard to R. M. Whitney and the Treasury Department would have been appended to this resolution, no more than that he should have been transported to the moon. His friend from Virginia, [Mr. WISE,] who was not now in his seat, had submitted a resolution, which had been made the order of the day for this day, involving this identical inquiry in reference to this supposed agent, and thus it would be made in two forms. But did not the gentleman from Tennessee recollect that when the resolution was presented at the last session of Congress by the gentleman from Virginia, [Mr. WISE,] he (Mr. G.) had voted in favor of its adoption? Three times he had voted for similar inquiries, and he would continue to vote for them until doomsday. What were the terms of the present resolution? Certainly they were not liable to the criticism of the gentleman from Tennessee. They were, simply, that the Secretary of the Treasury should inform the House, if in his power to do so, what were the dividends, &c. of these banks. It was simply an inquiry, for it could not be supposed that the Secretary of the Treasury had any power to exact the information. Was not this the most respectful form in which the inquiry could be addressed? Had a committee of this House any more power to exact the information than the Secretary of the Treasury? Where was such power derived? From the constitution, or from the bodies by whom these banks had been incorporated? He would like to know where the power was to compel the banks to give the information. But he could not suppose that any of the deposite banks would have any interest in refusing the information, and he had no doubt they would furnish it to the Secretary of the Treasury. The information, however, was such as ought to be procured.

In reference to the amendment, he would not now undertake to investigate the character of Mr. Whitney. That individual might be all that the gentleman from Tennessee seemed to suppose, or he might not be. If these propositions for amendments had reference purely to the investigation of R. M. Whitney's character—whether he was a traitor or a perjured felon—he (Mr. G.) should not vote to employ the time of the House or of a committee in such an investigation. It was a subject with which the House had nothing to do. But yet, these suspicions, coming from high sources—from the representatives of the people—charging that there was an illegitimate, illegal, and corrupt connexion between Whitney and these deposite banks and the Treasury Department, came in a form which he was prepared to meet, and to which he was prepared to give a proper

investigation. And, if the investigation was allowed, what wrong would thereby be done? There was no fear of the innocent being made guilty by investigation. Virtue, honesty, and integrity, sought and desired no concealment. Truth, when unadorned, was most adorned. He believed that no such improper connexion existed; it was, however, a matter of opinion. Still, when an investigation was urged on this floor, when it was urged from all quarters of the country, it was due to the Government, to the people, and to the Secretary of the Treasury himself, that the inquiry should not be withheld. If any one was guilty, and if any improper connexion existed, it would then be exposed to public view; fraud or corruption, if any, should be exposed, and the officer guilty of it removed from public trust. But if the persons charged should be found innocent, the responsibility would rest on the accusers. They had made the charges; and if those charges were shown to be without foundation, the innocent man would be reinstated in public confidence, because he had passed the fiery ordeal, and had come out pure and uncorrupted.

He would appeal, then, to the political friends of the Secretary of the Treasury on this floor, to meet this inquiry in the broadest form in which it could be presented. The Secretary, conscious of his innocence, would not shrink from investigation. Let the House reflect on the consequences of such charges remaining unanswered. To them was intrusted the preservation of our free institutions, and the protection of the liberties of the American people; and upon the purity with which the laws were administered depended their perpetuity. The Government, and those who governed, should, like Cæsar's wife, be not only innocent, but unsuspected; and when even a suspicion of impropriety was thrown upon them, if substantiated, let them be driven back as the gloom of night is driven before the rays of the rising sun. Let this House, then, inquire who this Reuben M. Whitney is. He (Mr. G.) believed every thing was right; if not, let the wrong be exposed. Let the investigation take place, and facts might then be brought to light, not of a one-sided or partisan character, but, as in a court of justice, both sides would be heard, and so the truth might be known.

Mr. G. then intimated his desire to modify his resolution; when

Mr. HARLAN withdrew his amendment; consequently the amendment of Mr. VANDERPOEL fell; so that the resolution was before the House in its original form.

Mr. GARLAND, of Virginia, then submitted the following, as a modification of his resolution:

Resolved, That a committee of nine members be appointed, whose duty it shall be to inquire whether the several banks employed for the deposite of the public money have all, or any of them, by joint or several contract, employed an agent to reside at the seat of Government, to transact their business with the Treasury Department; what is the character of the business which he is so employed to transact, and what compensation he receives; whether said agent, if there be one, has been employed at the request or through the procurement of the Treasury Department; whether the business of the Treasury Department with said banks is conducted through said agent; and whether, in the transaction of any business confided to said agent, he receives any compensation from the Treasury Department; and that said committee have power to send for persons and papers, if they deem it necessary.

Resolved, That the Secretary of the Treasury communicate to this House, if within his power, a statement of the dividends and surpluses which were declared by, and the surpluses and contingent funds remaining in, the several banks in which the public money is deposited, for the years 1833, 1834, 1835, and 1836, severally.

Mr. McKAY then submitted the following amendment, to come in as a second resolution:

Resolved, further, That the Secretary of the Treasury report the average amount of public moneys each of said banks has had on deposite on the first day of each quarter, in the aforesaid years, respectively, together with any other information which will show what proportion of said dividends and surpluses has been derived by the said banks for the use of the public money; also, as far as it can be ascertained, what have been the dividends and surpluses of an equal number of the banks than those that have the public moneys, for the last two years.

Mr. GARLAND, of Virginia, accepted this amendment, as a modification of his resolutions.

Mr. GARLAND, of Louisiana, then moved to strike out of the second resolution the word "average," and insert the word "actual," so as to make it read "actual amount of public moneys," &c.; which motion, after some explanation by Mr. G. and Mr. McKAY, was agreed to.

Mr. ADAMS then moved to strike out of the first resolution, after the words "and that said committee have power to send for persons and papers," the words "if they deem it necessary to do so."

Mr. GARLAND, of Virginia, accepted this as a modification.

Mr. ADAMS then called for a division of the question, so as to take the question separately on each resolution.

The first and second resolutions were then agreed to without a division.

Mr. CHAMBERS, of Kentucky, called for the yeas and nays on the third resolution; which were ordered, and the resolution adopted unanimously.

EXECUTIVE ADMINISTRATION.

The orders of the day being called for, the CHAIR announced the resolution originally submitted by Mr. WISE, and reported from the Committee of the Whole on the state of the Union, proposing an inquiry into the executive departments, and the amendment of Mr. PEARCE, of Rhode Island, as given below.

Mr. HANNEGAN remarked, that as the hour was late, and as the Western States had heretofore been excluded from the opportunity of offering resolutions, he moved to postpone the subject till to-morrow for that purpose.

Mr. PICKENS, who was entitled to the floor, said he had no particular objection to postpone the subject for one day, for the reason urged by the gentleman from Indiana, provided it was understood that it be made the special order for to-morrow. He added that he had no wish, on his own part, that it should be postponed a moment longer, nor would he be instrumental in having it so, for he was quite prepared to go on.

Mr. JARVIS hoped it would not be postponed. Unless the resolutions were merely intended as a peg to hang speeches upon, there was no use in postponing them; for if it was intended to raise the proposed committee, there was no time to spare.

The motion to postpone was lost, and the resolutions were then read.

The first, as reported from the Committee of the Whole on the state of the Union, was as follows:

"*Resolved*, That so much of the President's message as relates to the 'condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with in-

structions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper."

The question pending was the following amendment, moved by Mr. PEARCE, of Rhode Island. Strike out all after the word "resolved," and insert the following:

"That so much of the President's message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments or their bureaus, of the vigilance and fidelity with which their duties have been discharged; and that said committee have power to send for persons and papers."

Mr. PICKENS observed that it had not been originally his intention, when this resolution was first brought before the House by his friend from Virginia, [Mr. WISE,] to have taken any part in the debate; but from what he had heard in the course of this important discussion, the strange and he must say monstrous doctrines which he had heard advanced by the supporters of the administration, he had been led to change his original intention, and would now, therefore, offer a few observations on this subject.

In opposition to the resolution which calls for a select committee, with power to make a thorough investigation into the conduct of the departments, we have been told that there are already standing committees in existence, constituted by this House, with full powers to make all the investigations which are proposed by this resolution. Let any gentleman (said Mr. P.) read the rules and the duties assigned to those committees, and I put it to this House if such an asseveration is any thing else but a shallow and flimsy pretext, brought forward with the design of disguising and covering an unworthy vote against the appointment of the select committee called for by the original resolution.

The duties of the standing committees of the House are to investigate accounts, to inquire into the various expenditures of the different departments, of the disbursements made, and the vouchers of our public officers, &c. They were never intended to embrace such objects as are contemplated in the resolution of the gentleman from Virginia, [Mr. WISE.] These standing committees never supposed it to be within their range of duties to investigate the transactions of your officers with the land speculations of the country, or that stupendous tissue of fraud, peculation, and villany, connected with your Indian agencies, Indian reservations, their locations and transfers, which, if ever fully revealed, will develop a system of legalized crime and plunder utterly disgraceful to any civilized Government. Besides, all those transactions connected with the deposite banks and their agents, so full of suspicion, come peculiarly under the cognizance of a select committee, with the power to send for persons and papers, which power is not given to the standing committees of the House.

But, sir, (said Mr. P.,) amongst the various efforts and pretexts ingeniously raised to smother the inquiry now called for, there was one argument, if it can be called such, that fell from the gentleman from New York, [Mr. MANN,] which excited in him the profoundest astonishment and surprise. That gentleman intimated that the demand for a select committee to inquire into the departments, to send for persons and papers, and to probe into the dark deeds of unfaithful public agents, is unconstitutional! He [Mr. MANN] says that this proceeding is to be viewed in the light of a general search warrant! and therefore argues that it is contrary to the constitution!

Mr. P. then read the clause in the amendments to the constitution on that point, as follows: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized." Now, sir, (said Mr. P.,) since the time when Algernon Sidney had his private papers in his private apartments searched, because they were supposed to contain treason against a suspicious and arbitrary Government, such an idea as is now attempted to be extorted from this clause in the constitution, he would venture to say, had never entered into the mind of any man. So, then, according to this perverted and strange interpretation, that great principle, incorporated into the system of English liberty, and transferred to our constitution, which was intended to raise a shield over the rights of private citizens against the lawless search of a usurping and despotic Government, is now to be understood as intended and designed to protect and screen a bad Government and its evil agents in deeds of fraud, corruption, and malversation. Yes, sir, (said Mr. P.,) this clause in your constitution, according to learned commentators of these profligate times, is not intended to protect the people against encroachments of a harassing Government, but to cover Government from the scrutinizing inquiries of a free people! It is a clause intended to shield the officers of a corrupt dynasty in their abandoned career of fraud and peculation, but not designed to protect private citizens against capricious and unwarrantable search into their private dwellings and private papers! Surely such an idea as this could never enter the mind of any man, except one who had bowed the knee of sycophancy so long before the throne of power that his heart was prepared to worship at the shrine of any image which his master might hold up as the popular idol of the day.

Sir, (said Mr. P.,) it is the first time in my life that I ever heard that the papers, records, and documents, of public offices, and of the officers, were to be viewed as private property, belonging to private individuals, and, as such, to be exempted from inquiry and investigation. Such a doctrine he confessed was new to him; it is a doctrine directly at war with liberty; it is a doctrine calculated to lead to the most monstrous and fatal results. And if this is to be the doctrine practised upon by the coming administration, it is full time that a deceived country should know it. No, sir; all the papers and documents, all the offices of this Government, are not private; they belong not to private gentlemen, they are not sheltered by the constitution from investigation; they are the property of the confederacy, and the right over them, the right to search, the right of thorough investigation, belongs to this House, belongs to us, the repre-

sentatives of a free people. We stand here as guardians of popular rights, as a co-ordinate and independent branch of this Government; and we are base traitors to our country if we diminish or weaken our rights, if we abandon the proud prerogatives guarantied to us under the constitution we have sworn to defend.

Again, sir: the amendment to this resolution which has been proposed by the gentleman from Rhode Island [Mr. D. J. PEARCE] has not excited less surprise and astonishment in my mind than the doctrine I have just adverted to. Mr. P. said he could view that amendment as nothing more than a pretext to shield the perpetrators of fraud against all inquiry and discovery by the people. If (said Mr. P.) I was not mistaken in what that gentleman maintained, I understood him to say that the officers of the Government are agents of the Executive; that they are responsible alone to the Executive; and that he (the Executive) is responsible to the American people, and may be impeached before the Senate by the vote of this House. Such, in substance, was the argument of the gentleman. According to this doctrine, the people, by their representatives, have no control whatever over the officers of the Government; they are independent of the people, distinct from the people, and removed out of our reach and out of our power. But I would have that gentleman to know that we, as well as the officers of the Government, constitute a part of the Government; we, the representatives of the people, create by statutes these offices, and define the duties of the officers; we fix and pay their salaries; they are officers of this House as well as of the Executive himself, created by our authority, and amenable to us for all their conduct. I know that, for the last six or eight years, the contrary doctrine has been inculcated and enforced; this House has only been considered as a part of the Executive, whose only duty was to record the edicts of royalty, or give sanction to its wishes. There can be no more certain evidence of the decay of this republic, than for this House to sleep upon its privileges, and quietly acquiesce under the accumulation of executive power. But, sir, I call upon every gentleman who feels himself to be a freeman, the representative of a free people, not to abandon their proud prerogative, but to claim the high character and privilege of this House to know their power, and to have the independence to assert it. Yes, sir, I invoke the spirit of the entombed constitution to preside over and guard the power and the privileges of this House. I am utterly opposed to this modern doctrine, which makes us the mere agents of the Executive, a secondary branch of the Government only! If we are indeed thus prostituted, lost, and humbled; if we have ceased to be what the constitution intended, it is time that we should know it. If we are used merely to play the part of the Rump Parliament, yielding up every thing quietly to the will of the Executive, shielding him and his agents in every act, subserving his ambition, and aiding him and his officers to trample down the consecrated barriers of freedom, and to pursue, unchecked, their lawless career, it is time the world should know the infamy that has fallen upon us!

The amendment of the gentleman from Rhode Island [Mr. PEARCE] is merely a pretext, made for the purpose of evading a direct vote upon the original resolution; that amendment provides that, if, in the course of events, any cause for a specific charge should exist, then the right of sending for persons and papers shall be given. We do not stand in the situation of a private citizen at issue with a private citizen; we are not bound to make an affidavit, in order to obtain a search warrant; we are not bound to make specific charges, in order to obtain permission for investigation. Each member acts upon this floor in his official capacity, and is responsible before the country. We are the representatives of the people, and, as the source and chief depository of power, we have the right to demand investigation, without assigning specific charges. We have the right to investigate all the offices and papers, (except, perhaps, those that cannot safely be made public, relating to foreign diplomacy,) and archives of the Government, and of all its agents in every department; and this right is essential to maintain the purity of our Government and of our institutions. "But," say the supporters of the administration, "why raise a select committee? Why incur this expense?" I answer, is it not better for them to incur this expense than that they should sit under the suspicion of corrupt conduct? If the investigation should bring nothing to light, will it not then have been better for the Government, by having had this opportunity of showing its purity and establishing its character? Will it not look better to suffer this investigation to take place than to let suspicion spread, by suffering charges of such serious character to pass by unmet and unrepelled?

Mr. P. said he was not one of those demagogues whose mouths are ever pouring forth declarations of their attachment to the people, but I confess I am democrat enough to proclaim our rights in opposition to the insidious encroachments of Government. I avow that I am for the power and the rights of the people being felt practically in this Government, while those who are always declaiming for those rights seem to come here but to smother and suppress them. They profess to be the advocates of the popular cause, while they are all found arrayed in close phalanx on the side of power, pouring out eulogies upon the administration, screening its officers, justifying acts of fraud and corruption, and opposing the people in their demand for inquiry and investigation! Though the party to which I have the honor of belonging has been stigmatized and traduced as the enemy of popular rights, I profess, sir, my attachment to them. I avow undying devotion to the liberties of my country, and I hope yet to live to see the day when the rights of the people, the rights and power of this House, shall no longer be trampled under foot by base subserviency to executive power by those who bow the knee to its mandates, and crowd in eager anxiety to beg the crumbs that fall from the table of a royal master.

Yes, sir, (continued Mr. P.,) I hope to live to see the day when the doctrines we have heard asserted on this floor will be lost and forgotten amid the glory of purer and brighter days—when the representatives of the people shall have their rights and proudly maintain their authority under the constitution—when pilgrims and votaries of liberty from every quarter of the oppressed earth shall gather together here, and bow in reverence before that monument which a free people shall raise, whose noble shaft shall pierce the very heavens, reflecting back, from its broad and radiant surface, the light of everlasting truth and the beams of universal freedom!

Mr. Speaker, (continued Mr. P.,) I cannot refrain from declaring the profound astonishment with which I listened to the extraordinary facts related on this floor by the gentleman from Tennessee, [Mr. PEYTON,] in relation to the electioneering campaign made by the President last summer through the Western country. We have heard that he has been zealously engaged in the work of securing a successor to his power and authority. We heard of his interference in this matter, of his labors and undignified speeches in the contemptible work of raising into power one who lived by fawning upon his hand. Mortifying and disgusting as these facts are, not less astonishing did it appear to me, when in answer to them we heard the gentleman from Georgia [Mr. GLASCOCK] and the gentleman from Louisiana [Mr. RIPLEY]

rise in their seats, and, instead of offering apology or denial, exert themselves to justify and vindicate the interference. Sir, I well remember the "Gwinn letter," which indirectly ordered the *Ruckerized* convention at Baltimore to do the bidding of a master. I knew well that the successor had been appointed, but I did not know, I did not believe, that I should see the day when a representative of a free but betrayed people would rise in his place in this House, and vindicate such appointment.

We are told, in apology for an interference as unconstitutional as it has been undisguised and shameless, that the President has a right to speak his own opinions, "that he is a free man as well as any other citizen," "that he is a man who was never known to hesitate in the frank assertion of his opinion," &c. The private opinion of the President is one thing, the public declaration of his wishes is another. Whenever his opinion, whatever it may be, be it private or be it public, is sustained with all the power and influence of office, is enforced from cabinet ministers down to all the petty holders of office, is proclaimed and preached by menial sycophants and a subsidized press, notoriously under the dictation of power, then, sir, the President's private opinion and preference become a law to a hundred thousand mercenary followers, who live upon his will.

Every people, from their history and education, have a peculiar criterion by which to judge of liberty. In England, an idiot or a knave may sway the sceptre of empire by the law of legitimacy, and the plumes of a titled nobility may wave over stars and garters, and yet the Englishman may proudly claim to be a freeman; and why? Because these things are sustained by the fundamental principles of the British constitution, as part of their authorized and lawful Government. But when Cromwell raised his Government over the ruins of the British constitution, and against the fundamental laws of the empire, although he added to the glory and the power of the British name, yet he was a dictator, and the people were slaves so long as they acquiesced in the usurpation. So it is here. We live in a land of constitutional law, every principle of which sustains the freedom of the elective franchise, from the highest to the lowest. If this great principle of American liberty be violated and defied by executive dictation, no matter what character is raised up as the successor of power under such a dynasty, we are slaves and dastards if we tamely acquiesce. As far as practical liberty is concerned, there is no difference in effect, as to the people interested, between the Government of him who comes in, trampling over the freedom of election through dictation, bribery, and fraud, and he who comes into power waving over the desolated fields of his country the bloody sword of a conqueror and usurper. As to all practical effects, they are the same.

Is there any man in this House who does not know that the President elect could not have been chosen but by the direct influence and interference of the President? Let no man say there is no proof of this interference. Independent of the facts stated by my friend from Tennessee, [Mr. PEYTON,] and the published letters, toasts, &c., of the President himself, I will now call the attention of this House, and of this country, to some facts upon which I would defy any sworn jury of freemen on earth to bring in a verdict of "not guilty." I will introduce a witness against whom hirelings have poured out their malignity and calumny, but whose veracity and private integrity no man dare impeach. I will give the language of the distinguished Senator from Tennessee, [Judge WHITE,] as it is published in his speech at Knoxville last summer. When the President was on a visit to Tennessee, in the summer of 1834, and "after the rise of the State convention, many members wished to nominate me for the presidency, but abandoned the attempt after they understood that it would incur the President's displeasure. On his journey to Washington, the President conversed freely with some of my friends, and remonstrated against any attempt to nominate me; said there must be a national convention, and Mr. Van Buren ought to be nominated for the presidency, and I for the vice presidency; and, when his eight years were expired, that I was young enough then to be taken up as President." * * * "After I gave my consent to the people to run, and before the meeting of the Baltimore convention, I was repeatedly forewarned what I might expect if my name was not withdrawn," &c.

Such are the unvarnished facts of the case. And who is there bold enough to deny that the President has interfered? Sir, the facts are beyond the possibility of denial, that he has openly interfered, and used his power and authority to nominate his successor, and to do it by bargain and arrangement. Every paltry intrigue and profligate proposition have been used and employed to effect this purpose. The chief offices of the republic have been bartered away, and the President, through the tremendous power and patronage of his position, has called upon a betrayed country to receive its rulers from the hands of a master.

To see the force and bearing of these propositions which the President made, and to show that he fully understood his position and their profligate tendency, I will now refer to a scene in 1825, when his predecessor was chosen by this House. In two letters written by General Jackson, the one dated June 5, 1827, and the other dated July 18, we have the following extraordinary development:

"Early in January, 1825, a member of Congress of high respectability visited me [General Jackson] one morning, and observed that he had a communication he was desirous to make to me; that he was informed there was a great intrigue going on, and that it was right I should be informed of it; [*how very kind!*] that he came as a friend; and let me receive the communication as I might, the friendly motives through which it was made, he hoped, would prevent any change of friendship or feeling with regard to him. To which I replied, from his high standing as a gentleman and member of Congress, and from his uniform friendly and gentlemanly conduct towards myself, I could not suppose he would make any communication to me which he supposed was improper. Therefore, his motives being pure, let me think as I might of the communication, my feelings towards him would remain unaltered. The gentleman proceeded. He said he had been informed by the friends of Mr. Clay that the friends of Mr. Adams had made overtures to them, saying, if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be Secretary of State. That the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that, if I was elected President, Mr. Adams would be continued Secretary of State. ['Inuendo, there would be no room for Kentucky.'] That the friends of Mr. Clay stated that the West did not wish to separate from the West; and if I would say, or permit any of my confidential friends to say, that, in case I was elected President, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour. And he was of opinion it was right to fight such intriguers with their own weapons. To which, in substance, I replied, that in politics, as in every thing else, my guide was principle; and, contrary to the expressed and unbiased will of the people, or their constituted agents, I never would step into the presidential chair; and requested him to say to Mr. Clay and his friends,

(for I did suppose he had come from Mr. Clay, though he used the term of Mr. Clay's friends,) that before I would reach the presidential chair by such means of bargain and corruption, I would see the earth open and swallow both Mr. Clay and his friends, and myself with them. This disclosure was made to me by Mr. James Buchanan, a member of Congress from Pennsylvania, a gentleman of the first respectability and intelligence.

"The evening before he had communicated, substantially, the same proposition to Major Eaton, my colleague in the Senate, [How did the General know that?] with a desire, warmly manifested, that he should communicate with me, and ascertain my views on the subject. This he declined doing, suggesting to Mr. Buchanan that he, as well as himself, could converse with me, and ascertain my views on the matter; though, from his knowledge of me, he thought that he could well conjecture my answer—that I would enter into no engagements whatever. To be thus approached by a gentleman of Mr. Buchanan's high character and standing, with an apology proffered at the time for what he was about to remark to me; one who, as I understood, had always to that moment been on familiar and friendly terms with Mr. Clay, assuring me that on certain terms and conditions being assented to on my part, 'then, by a union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour,' what other conclusion or inference was to be made than that he spoke by authority either of Mr. Clay himself, or some of his confidential friends? The character of Mr. Buchanan with me forbids the idea that he was acting on his own responsibility, or that, under any circumstances, he could have been induced to propose an arrangement unless possessed of satisfactory assurances that, if accepted, it would be carried fully into effect. A weak mind would seldom or ever be thus disposed to act—an intelligent one never. Under all the circumstances appearing at the time, I did not resist the impression that Mr. Buchanan had approached me on the cautiously submitted proposition of some authorized person; and, therefore, in giving him my answer, did so, requesting him 'to say to Mr. Clay and his friends,' what that answer had been," &c.

Observe what Mr. Buchanan says in his letter of explanation, August 8, 1827—

"After I had finished, the General [Jackson] declared he had not the least objection to answer my question, that he thought well of Mr. Adams, but had never said or intimated that he would or that he would not appoint him Secretary of State. That these were secrets he would keep to himself; he would conceal them from the very hairs of his head. That if he believed his right hand then knew what his left would do upon the subject of appointments to office, he would cut it off and cast it into the fire. That if ever he should be elected President, it should be without solicitation and without intrigue," &c.

Mr. Speaker, it is not my purpose to expose contradictions, or to defend those against whom these charges were made. But I call up these scenes, that the world may compare the mock sentiments of affected purity then expressed with the conduct and notorious facts of the present day. And I here take occasion to say that, if it be true, as the President states, that he was approached in January, 1825, with such propositions, from a gentleman who declared to him "that he thought it was right to fight such intriguers with their own weapons"—I say if this be true, it proclaims that he who could avow so base and infamous a sentiment was utterly destitute of all true conceptions of private honor or public integrity.

If the President, in 1825, had such a high sense of honor and respect "for the unbiased will of the people" as to refuse to let it be known—not that he would appoint any particular individual, but that he would not appoint a certain gentleman Secretary of State—where was his honor, where was his delicacy, in 1834, when he proposed to Judge White and "his friends" to regulate and control the whole election by a *Ruckerized* convention, and through "bargain and corruption" to produce acquiescence by offering himself the first office in the republic to one, and reconciling another with the second office? Little did he think that, in 1825, he was uttering denunciations against his own course in 1834; little did he think, when he penned these declarations in 1827, that he was writing epithets to be called up, like burning letters, over his own conduct and character in 1836.

Mr. Speaker, (continued Mr. P.,) it is with great pain and reluctance that I am compelled to speak of these transactions as I feel that I ought. Nothing could induce me to do so at present but the solemn conviction that I believe they are deeply identified with the liberties of this country. I speak of the President as officially connected with the institutions of freedom. I scorn to excuse him, and to hold up his minions and understrappers for responsibility and denunciation. No, sir; I disdain to use moderate language. I shall take his own epithets. I here then charge that the President has wilfully and openly interfered to appoint his successor, and that he has endeavored to accomplish his object by shameless "bargain and corruption." He has succeeded, and, now, standing on the defaced and spurned constitution, waves aloft the unrestrained sceptre of empire over a deceived and betrayed country. Let us be rich and prosperous; let us be happy and free from personal restraint; let us retain all the forms of a republic, yet are we slaves, and history will hold up our infamy and degradation, if we acquiesce and submit to this lawless dictation. Rome still retained the forms of a republic, long after her conquering generals from devastated provinces brought in the plunder of sacked cities to be divided amongst those who were styled "Roman citizens." Her people still nominally elected their tribune, long after the very sources of power had been corrupted and polluted by the bribery and profligacy of captivating chiefs and abandoned demagogues. These tribunes, who were at first elected to defend, as they nobly did, popular rights, afterwards became prostituted, and, although ostensibly appointed still by the people, yet they knew the hand of their master, and prostrated the liberties of their country before his will. They were arranged and appointed beforehand by those who held the power of the republic. We, too, may still boast the forms of a free people, and long preserve them. We have seen the nomination and appointment of a successor to the Chief Executive; we have witnessed the success of that appointment. All the popularity and influence of the President, with his hundred thousand dependants, all the weight, and power, and influence of the Government, in all its vast and extensive ramifications, have been brought to bear upon the appointment of a successor. And I ask, sir, if we confirm, by re-election, this fraudulent appointment, will not posterity say we, too, are free only in name? Our country has been foully deceived; we have been basely deluded by all the arts of "intrigue, bargain, and corruption." Let it not be said that these things are of no importance; that they have no effect upon practical liberty. Look to their consequences in the future. In physics, in morals, and in politics, those causes are at first small which produce the most tremendous effects upon the destiny of man. The collection of a few shillings of ship-money brought the head of a monarch to the block, and changed for a time the Government of Great Britain. Go into the far West, and trace out, if you can, the origin of the vast Mississippi itself; you will find a bubble at the foot of perhaps some name

less hill, from which runs a stream, at the ripple of whose waters not a living creature turns aside; but follow it to the valley below, and it swells, and it deepens, and it widens, until the wealth of a nation floats on its surface, and at the angry voice of whose stormy waves the hardy mariner trembles. I need not say that this is a full illustration of the history and progress of political affairs; that from apparently a small beginning the most tremendous results are produced; that one step over the great landmarks of the constitution will lead to the overthrow of all law, to the prostration of liberty, and the abandoned reign of arbitrary power. A drop of water oozing through the dykes of Holland, if unnoticed, would desolate the fairest regions, and spread terror through a ruined country. If now, in the infancy of our Government, the President has it in his power to nominate and appoint his successor, the day is not far distant when we shall live under a power more odious than hereditary monarchy, because it will be exercised under the deceitful name and habiliments of a republic.

We are told that the South is to be "reconciled by the successor falling into Southern principles," and that it is policy to acquiesce in the appointment. Sir, there may be at heart traitors in the South, but it will be treason to the constitution and to the country to submit to the dictation. No! never, never. We have been foully betrayed, and against the principles of the succession we declare uncompromising, unextinguishable war, "war to the knife." It may be that we shall be but few in numbers; it may be that our flag-staff shall be shattered and broken, but we will nail the flag to the gunwale, and conquer or perish under it.

Let not gentlemen suppose that the present state of things is to last forever--let them not suppose that the dominant party of to-day is to be the dominant party of to-morrow--let them not, in the arrogance of power, forever forget right. These things they may not perhaps feel in their day and generation, but their children may live to see the day when they shall curse, in the bitterness and deep anguish of their hearts, the memory of their fathers, for having brought down upon them degradation and ruin. Even Robespierre himself would have paused in his bloody career of ambition, if he could have foreseen that the same guillotine which he raised over the neck of Danton was so soon to be brought down with a just vengeance upon his own. And the Duke of Orleans, unprincipled as he was, when he sat in that infamous assembly which voted the death of Louis XVI, would have trembled with horror, as he gave his vote for the death of his own blood cousin, if he could have known that, under the despotism he was aiding to raise, his property was so soon to be confiscated and his dripping head held up by the executioner to the vengeance of a lawless mob.

How can the South acquiesce under an administration the head of which has admitted that this Government has the constitutional power to abolish slavery in the District of Columbia? I tell gentlemen they will yet be brought to quail and tremble under the tremendous power of this doctrine. We will yet see the lightning flash, and feel the earthquake's heave. The issue will be made, and we must be prepared to meet it like men, or to crave mercy from one who is against us in sentiment and in feeling.

The coming administration has elements of weakness which it will be difficult to recover from. The opposition can never be satisfied with the corrupt and profligate principles under which it has been dictated. Look around and see the strength that is to be put forth. Where is old Massachusetts? There she is, firm as her granite and everlasting hills, ready for another contest. Look to those people on both sides of the Ohio, who have raised their flag over their country's ramparts, and have so nobly defended themselves against the mercenary bands of power; look to those intrepid people, through whose bosom run the waters of the Tennessee and the Cumberland—where are they all? Ready and eager to step forward in the breach that has been made over the barriers thrown around the freedom of the elective franchise. Look to those people on both sides of the Savannah, and where are they? United in feeling and in sentiment, with one banner streaming aloft in the breeze--that banner under which the constitution was made--the banner under which Jefferson fought his way to victory and to fame--the only banner under which this Government can be reformed—the noble banner of free trade and State rights, under which defeat is no disgrace, and victory is redemption and liberty.

We may be defeated, but not conquered; we have yet the undying spirit of freemen. Then let us come to the rally, and the republic may yet be safe.

Mr. P. then concluded by moving the adoption of the original resolution.

Mr. DUNLAP said he regretted the necessity there was for him to occupy the time of the House on this question; but from the remarks that had just fallen from the honorable gentleman from South Carolina [Mr. PICKENS] he felt it a duty he owed to the Executive, as one of the Representatives from Tennessee, to answer some of the remarks of the honorable gentleman, and to correct him as to some of the facts he had stated. The gentleman from South Carolina has charged General Jackson with dictating to the American people who should be his successor, and by bargain, intrigue, and corruption, to have actually made the American people vote for and elect his successor. To prove these premises to be true, the gentleman has referred to a public speech made by an honorable Senator from Tennessee, [Mr. WHITE,] in which the President is charged with having proposed to make the honorable Senator Vice President if he would not run for the presidency. Mr. D. said the gentleman had also referred to the speech of his honorable colleague, [Mr. PEYTON,] made a few days since in this House, in which the President is charged with interfering with the elections in Tennessee, and abusing a portion of the Representatives from that State. Mr. D. said he had it from the mouth of the President that he never made such a proposition as the one mentioned in Mr. White's speech; and that he never said that one of his colleagues [Mr. SHIELDS] was of no account, and that his constituents ought to send some one that was of some account; nor did he ever say that another of his colleagues [Mr. HUNTSMAN] was on the fence, and no one knows which side he will fall. These charges the President pronounces to be false. Now, sir, said Mr. D., if the premises of the gentleman from South Carolina are erroneous, his conclusions must necessarily be so.

Mr. D. said the administration of President Jackson had been more violently attacked than that of any other President. The opposition to it had made charge after charge against it, and no doubt often without knowing whether they were true or false; and they had misrepresented what the President had said about persons who had always supported his administration, to make them his enemies, and thus get them to give publicity to those charges. Mr. D. said he regretted very much that either of his colleagues should have thought it necessary for them to make the charges they did against the Executive. He was the adopted son of Tennessee; he had spent a life, from boyhood to where he now lies on a bed of sickness, in the service of his country; he has often led the sons of Tennessee to victory and glory, and has gained for himself and his favorite Tennessee imperishable renown. Mr. D. said he should have felt that he had done injustice to the President, to his constitu-

ents, to his State, and to his country, if he had kept his seat, and had not given the House the information he had.

He said he was a native Tennesseean, and proud of the name; that he was at all times ready to defend the character of his State or her sons, for it is the character of the public servant that gives character to the State. In detracting from the character of General Jackson, you detract from the character of the State. Sir, (said Mr. D.,) General Jackson has given to the State of Tennessee more character than any of her other citizens. Mr. D. said he knew full well that great efforts had been made to get Tennessee in opposition to the President, but that could never be done. Tennesseeans were governed by principle. Although a majority of them differed with the President as to who should be the successor, they were not opposed to him or to his administration. Mr. D. said he was opposed to the election of Mr. Van Buren, and in favor of his colleague, (Mr. White.) He was for him, for his worth and merit, but he was not prepared to take the course of the gentleman from South Carolina, who had declared open and uncompromising war against the next administration. Sir, (said Mr. D.,) how does that gentleman know what will be the principles upon which the next President will administer this Government? Mr. Van Buren has been elected by a majority of the States and a majority of the people; and it is to be presumed that he will administer it on the good old republican principle; and if so, he should most unquestionably support his administration. He would not oppose or support any administration but upon principle.

Mr. D. said he would now say a few words to the friends of the administration. The gentleman from Virginia [Mr. WISE] had preferred a general charge against the executive officers of this administration, and asked that a committee might be appointed to examine all of them. Mr. D. said he hoped no friends of the administration would shrink from this general investigation. We now had it in our power to silence the slang of the enemies of the administration forever, by letting them go and examine all the offices; and if there have been any frauds or corruptions in any of them, let the brand of infamy be fixed on them, and let the country and all future administrations know they are unworthy to be trusted. We know, (said Mr. D.,) and the American people know, that it is impossible for the President to know all the persons he has to appoint to office, and that he has to depend on his friends for information, and, in some instances, he may have been imposed on, and unworthy men recommended to him. If there be any such, let them be hunted out, and their crimes made known to this House and the whole American people. Mr. D. said, if any amendment should be adopted, it would give the enemies of the administration an opportunity of saying they were limited in their inquiries, and that the administration was afraid of a general investigation. As one of the friends of the administration, (Mr. D. said,) he was for the broadest inquiry, and he would vote for the inquiry in the way they desired it, that there should be no excuse that they were limited.

Mr. PEYTON said: Since my colleague has volunteered his services, and come upon the stand to give evidence against me, the direct tendency of which is to attack my veracity, although he seems to evade that, I claim the right to examine the witness. I mean, sir, to examine him upon his *voir dire*, and require him to speak the whole truth. This seeming extraordinary sensitiveness of the gentleman, the mock sympathy in the loud appeals which he has just exhibited, the pretended necessity of defending the President, are the usual evidences which I have observed to accompany a Van Buren conversion. Yes, sir, and I am not at all surprised to witness it in my colleague. I thought I had seen strong premonitory symptoms of this before. I had never known a deserter leave our ranks but what he went over hallooing glory, glory to General Jackson. He says that he has differed with General Jackson as to the succession. I do not know, sir; I think, if that gentleman differed with the President at all, the difference was not worth naming. I looked with anxiety for friends to Mr. White every where through our State, and I never was able to put my finger on that gentleman's services. But, sir, I understand the gentleman as giving in his adhesion now, and as pledging himself in advance to the support of the new administration. He wishes to know if any man who possesses the feelings of patriotism can oppose the measures of that administration before he knows what they are. Sir, as to principles and measures, I shall be found ever supporting the same that I have done heretofore. I shall not turn from my course, and leave my principles, because they may or may not be advocated and sustained by any President. But, sir, I never will ratify the deed of succession. I never will countenance an act which makes the nomination of a successor a cabinet measure, and issues in advance a veto on the ballot-box. But, sir, my object in rising was to notice the evidence of the gentleman, and to get a little more out of him, if possible. He professes ignorance of that which was known to every body else in Tennessee, and, to strengthen his ignorance, he says that the President authorized him to come here and make the denial which he has made. Now, in the first place, I wish to know of the gentleman when this denial was made; was it since the beginning of the present session of Congress? I wish the gentleman to say when.

[Mr. DUNLAP rose, and said he did not intend to be catechised in this style by his colleague, [Mr. PEYTON;] but as to the time when the President made the denial to him, he (Mr. D.) was not unwilling to give his colleague whatever information he might desire. He would, therefore, say that he (Mr. D.) had not seen the President from July last until December; he had never had any conversation with the President in relation to the tales circulated in Tennessee until after his colleague (Mr. P.) had made his late speech on the resolution now before the House. In reference to this speech, and the speech made by the Senator from Tennessee, [Mr. WHITE,] the President made the denial which he had repeated.]

Mr. PEYTON resumed. Just as I expected, Mr. Speaker. The evidence has been extracted at this session of Congress, since I made a speech, to be used upon this occasion. Is it not extraordinary, while the gentleman is bellowing so pathetically, thundering his sympathy into the very stones of the Capitol, about the poor sick President, the dying President, that he should convict himself of tormenting and harassing him on such subjects? But, sir, this shows that what I have often said is the fact—that nothing transpires here but it is immediately hissed into the ears of the President by some eaves-dropper, some penny-post carrier of news, from this hall. Sir, they know the President's excitability; they know how to extract from his excited feelings denunciations broad, denials, general and special, of whatever was said, especially in the shape in which they present it before him; and then they run forth, proclaiming to the world that they are authorized by the old Hero to denounce and convict the object of their attack of falsehood. The gentleman says he will not be catechised by me. How dare he then volunteer himself as a witness here against me? No, sir, he cannot stand up and answer me; if he were, I would make him acknowledge that the President did not deny what I stated to be true. At what has the gentleman taken fire? At the charge that the President was highly excited in Tennes-

see, and took an active part in favor of Mr. Van Buren while there? Yes, sir, and he professes to bear a commission from the President himself, which will destroy all that I stated on the subject. Does he pretend that the President of the United States of America authorized him to deny what I related as having taken place at Jonesborough, in relation to his defence of Reuben Whitney?

[Here Mr. Dunlap inquired whether his colleague wished him to answer him.]

Mr. Peyton. No, sir, not yet. I wish the gentleman to take it not in broken doses, but all together, and may be it will operate the better. I know the President made no such denial, because that exhibition was published in the Van Buren press of Jonesborough. Secondly, did he commission the gentleman to come here and deny that he charged me with opposing the appropriation to the Cherokee treaty? I know not, sir, what strongly operating cause has induced this evidence, now volunteered in this hall. But, sir, I know that no man can get the President to forget or deny that. Thirdly, did the President deny that he charged the gentleman from Virginia [Mr. Wise] with being a liar, at Sparta, Tennessee? Fourthly, did he deny saying of the able, manly, and lucid speech of my colleague, [Mr. Forester,] at the same place, that any one could get such a speech written at Washington for five dollars? Fifthly. Did he deny saying at Mrs. Saunders's, in Sumner county, Tennessee, that my colleague [Colonel Bell] told twenty lies in one speech, and knew them to be lies at the time, and that I was a greater liar than Bell? No, sir, the gentleman will not, he dare not, say that the President denied one of these five specifications, going to show his interference in the election while he was in Tennessee. Then the gentleman has not, I perceive, got a *carte blanche* from the President to deny any thing and every thing which he may think necessary. If he denies any thing which I have said upon the authority of the President, I demand that he produce a witness, and prove that the President told him so. It is not surprising that the President should have forgotten a part of what took place in Tennessee. I wish he could forget all these things—all that transpired while he was in Tennessee. I envy him not his office who will run to the President, harass him with goading reflections, and then draw forth the hasty declarations of an exasperated man, to be used for a hidden purpose. This is unaccountable, unless it is necessary to bolster up a political summerset, about to be cut in the face of a frowning and indignant constituency. Such a monœuvre could not, perhaps, be safely made without the benefit of the President's name to give it sanction. But, sir, I would always prefer a bold, open, honest, opponent to a spy in the camp. These doubtful, hesitating, news-carrying men are not fit for these times, and the sooner they make an open desertion the better. Now is the time for men to come upon the stage, and act their parts; high-minded men, who love liberty more than they do gold; who love office less than they do honor. Such a man, in a good cause, has nothing to fear. My colleague, [Mr. Dunlap,] it would seem, only wished an opportunity of manifesting his zeal by filling the honorable office of trumpeter, to announce the President's denial in this House. I am sorry to see the gentleman fixing his fancy upon office, and then make his first appearance in such an office as this. If the gentleman was offended with my remarks, why go to the President? Why not meet me? Why drag the President in, and attempt to force an issue between him and myself? Why say that the President denied the whole, and then say he will not be catechised by me? I say that the President has not denied the whole; he has only denied, according to the gentleman's own admission, when he rose to answer my questions, two specifications out of seven; and the charge of interference is as fully made out by those five undenied and undeniable specifications, as it would be by seven, or seventy. And yet the gentleman says he is authorized to contradict the whole charge as false. Now, sir, with all the gentleman's professed feelings of regard for Mr. White, he has never had his sensitiveness shocked into his defence upon this floor. Oh, no; he has been unmoved while deluges of calumny have been poured upon him from the press; and the batteries of executive denunciation have been levelled at him from the day of his announcement as a candidate for the presidency. And now this same dumb supporter of his is running to the President for evidence to assail him as the propagator of falsehood. He a friend of Mr. White! When and how has he shown it? I think it is time for these insidious assaults upon that venerable man to cease. All his assailants tree themselves behind the President before they take their aim at him. But he is armed too strong in honesty. They have not the power to tarnish his name. In reference to the coming administration, my colleague seems to be quite in a rage that any one should think of any thing but passive obedience and non-resistance to it; he speaks loudly of pure measures, not yet known or understood, and therefore not to be opposed. I myself will support all that is pure in that pure administration. It is a sorry dynasty, to be sure. But, sir, the man himself is "tainted with original sin," as was once said by a voice (I wish it was now animate and here) now stilled and gone, (John Randolph's,) and the people have a right to demand an atonement to their offended majesty. To succeed in his ambitious views, he has struck a deadly blow at the ballot-box; he has broken down the sacred guarantees of liberty; he has transferred the sovereign power from the people to the President, which President he is. And is he not answerable for this? Are not these principles incompatible with freedom? What atonement can he make but to give back into the hands of the people their violated rights, their lost privileges, their ancient sovereignty and freedom of elections? Nothing but full and complete restoration; nothing short of the entire razing to its foundation his caucus system, his executive patronage system, his bribery system, his whole New York system, will ever be an atonement for what he has already done.

The gentleman speaks of those pure measures which are yet to come, as though they would sanctify all that is past. Can he, can any man, do as much public good in four years, ay, in a lifetime, as he has done harm, in the manner, the means by which he has ascended to power? Is he to say to the American people, "I will make you an excellent master; here is a new blanket, and I shall now expect that you behave like good, obedient slaves?" No murmuring, no clamor about who is master, though, as that would be factious. Sir, look at his system, and see to what it has already brought the country. Has he not directly or indirectly tempted every man in the country who is looked upon as in his way? Sir, the very man who is so insidiously struck at by the gentleman (Mr. White) was approached, and I know it. It is true that the bribe was not offered directly, and was offensive to him. The proposition was made to his friends in the mildest form, and the smoothest and most coaxing tones. "Now, is it not better to adjust this matter? Would not Mr. White be satisfied with the vice presidency? Would he not like to retire to a seat on the supreme bench—a station for which he is so well qualified—with so handsome a salary, and that for life too?" No, sir! all your offices and all your money would not shake the firmness or tempt the virtue of that man. But, sir, all men are not armed so strong in honesty—all men are not steeled with his Roman firmness against such temptations. That

office was bestowed, upon what conditions I will not say, upon another. And, sir, the third office in the Government, the chair which you occupy, was, in the same persuasive, coaxing manner, offered to my friend and colleague, [Mr. BELL,] upon condition that he would sell himself, abandon friends whom he loved, principles which he believed were identified with the dearest interest of his country, and join a party in whose principles and political honesty he had no confidence. But, no, sir, he spurned it! All men are not so strongly fortified against temptations as he was. And now those who have never had office, who would not accept it on the only terms upon which office is bestowed in these days, are traitors who are looking solely to self-aggrandizement, while they who have sold themselves for those places which they fill before our eyes are the pure, unstained patriots!

My colleague pretends great love for Mr. White. Why, then, has he never raised that voice which we have so distinctly heard here to-day, in his defence?

But, sir, my only purpose in rising was to put my colleague on his answer; he, however, has declined answering my questions, and I therefore charge him with admitting all that I have stated to be true. As to any part of what I stated having been forgotten, or denied by the President, it will not be considered remarkable by any one that he should have forgotten any particular transaction or remark, when they know that so treacherous was his memory, that, notwithstanding the proof positive, the Globe itself, was laid before him at Knoxville, showing his mistake in relation to my course on the Cherokee appropriation, yet, ten miles further on his road, he repeated the same charge. And now, sir, these gentlemen go to him on his dying bed, as they say, feeble and worn down by disease, and extract evidence from him of what passed in Tennessee, and bring it here to be used against those who did not, and who will not, obey orders with regard to the successor. Such statements do not satisfy me: I demand a witness to the conversation; I want proof of what the President does and what he does not deny.

Mr. DUNLAP said he had but performed a duty in saying what he had, and, if he had not done it, he would have been unworthy to be the Representative of the thirteenth congressional district in Tennessee; that he performed his duty without regard of consequences to himself. He did not conceive that his colleague had any right to complain of his course, as he was but answering charges that had been made against the President; and if they were untrue, his colleague should have been gratified to learn that the President was not guilty of the charges that had been imputed to him. Mr. D. said that his colleague [Mr. PEYTON] had not given his statement of what the President should have said as being made to him, but to others, and by them communicated to him. Mr. D. said it was but due to his two colleagues [Messrs. SHIELDS and HUNTSMAN] that he should have made the statement he did. Mr. D. said he had called to see the President in his sick room, and the President spoke to him of the charges his enemies had made against him, and the efforts they were making to alienate his friends from him, and then mentioned what my colleague had charged him with saying about my other two colleagues, and the President said he had never made use of any such expressions about either of them; that the statement was false. Mr. D. said the gentleman from South Carolina had taken the facts stated by my colleague as undeniably true; and if he had remained silent, and let the speech of the gentleman have gone to the country as true, he would have been guilty of a dereliction of duty, not only to the Executive, but to his country, for which his constituents would never have forgiven him. Mr. D. said he had done his duty, and would do it again under similar circumstances, disregarding the consequences to himself.

Mr. ROBERTSON then obtained the floor; and the House adjourned without taking any question.

WEDNESDAY, JANUARY 4.

DISTRIBUTION OF THE PUBLIC LANDS.

Mr. C. ALLAN offered the following preamble and resolution:

Whereas Congress has heretofore made donations of the public lands for the purpose of internal improvement and education—

To the State of	Ohio, - -	1,737,838 acres.
	Indiana, - -	1,012,592
	Illinois, - -	1,712,215
	Missouri - -	1,181,248
	Mississippi, -	733,244
	Alabama, - -	1,216,450
	Louisiana, -	920,053
Territory of	Michigan, - -	599,973
	Arkansas, -	996,338
	Florida, - -	947,724

in the aggregate amounting to eleven million fifty-seven thousand six hundred and eighty-five acres:

And whereas each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union;

And every wise and good American having agreed in the opinion that the cause of general education is indissolubly identified with the cause of general liberty:

Therefore, to do equal and exact justice to all the States, to aid in diffusing among the rising generation intelligence enough to comprehend and spirit enough to defend their rights, and thus to elevate the national character and insure the perpetuity of our free institutions—

Be it resolved, That a select committee of one member from each State be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Vermont, Maine, Kentucky, and Tennessee, such grants of the public lands, for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first-named States and Territories, and that said committee have leave to report by bill or otherwise. But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same.

Mr. HALL, of Maine, moved to amend the resolution by striking out the words "select committee, to consist of one member from each State," and insert "the Committee on Public Lands."

Mr. C. ALLAN said he hoped the amendment would not prevail, because it would be perceived that the duty imposed on the committee was one which did not properly fall within the class of duties assigned to the Committee on Public Lands. But there was another reason. That committee, he believed, consisted of a majority of members from the new States, in whose favor these grants had heretofore been made. He submitted to the justice and impartiality of the House whether it was fair to submit a proposition which had for its object to do equal and exact justice to the twenty-six American States, to a committee composed of a majority of members from the new States. He (Mr. A.) had rejoiced that these grants had been made to the new States; and

it was not from any want of friendship to the new States that he opposed the amendment. Mr. A. said he did not distrust the impartiality or ability of the Committee on Public Lands; but as the subject was one in which all the States were deeply and vitally interested, he thought it should go to such a committee as he had proposed.

Mr. HALL withdrew his motion.

Mr. DAVIS said he did not rise to discuss the question, as it would be premature at this stage of the proceedings; but he rose to express his astonishment at the proposition submitted by the gentleman from Kentucky, [Mr. ALLAN.] Sir, said Mr. D., the proposition is one carrying with it palpable and gross injustice to the new States. To prove this fact, it is but necessary to refer to the ratio by which the surplus revenue is distributed; in addition to the thousands and millions expended in the old States upon fortifications, ships of war, custom-houses, and a thousand other public works, they receive, by the bill of the last session, a very large amount over and above what their population would entitle them to; take for example, said Mr. D., those States whose representation on this floor would not be sustained, if the ratio of 1830 was now applied; and yet at this very moment the State of Indiana, under the same ratio, is entitled to fifteen or sixteen Representatives; and yet, forsooth, the gentleman is desirous that the old States shall have the power to put their fingers into the Treasury, and take therefrom an additional quantum of that revenue which is principally acquired by the labor and enterprise of the new States.

Mr. D. had hoped better things from the gentleman; he had hoped that the gentleman's knowledge of the privations incident to the settlement of the new States would not have urged him to impose this additional requirement upon a people already most unjustly taxed. Sir, said Mr. D., if the old States possess the power thus to infringe upon the rights of the West, to wring from that oppressed portion of your country the proceeds of their labor, and are determined to carry out the principle of such unjust exactions, I shall not be surprised soon to see our private lands, if not our personal property, made the source of additional revenue, for the benefit of the old States.

The gentleman has appealed to the justice and magnanimity of the members of the new States in submitting this proposition. Sir, said Mr. D., that word *justice* is entirely a relative term; and if his proposition carries with it justice in his estimation, it is the farthest imaginable from being justice in my view of the subject. Sir, the old States, jointly, have already been ruling us with a rod of iron upon this subject, and we have little hope that our condition would be bettered by their disjointed control. I ardently hope that the proposition may not obtain even a reference. For my own part, I am prepared to vote against it now and to all future time. Mr. D. concluded by moving to lay the proposition on the table; but withdrew it at the request of

Mr. VINTON, who moved to amend the resolution by adding thereto the following:

Resolved, That said committee be further instructed to inquire into the expediency of inserting a clause in said bill to pay said new States the value of the improvements made by them on the public lands, or to pay to them the amount the public lands would have been assessed for taxes, if they had been private property.

Mr. V. said he should interpose no objection to making the inquiry proposed by the resolution; but, as one of the Representatives of one of the States excepted from the benefit of the resolution, he could not consent that the impression should exist, here or elsewhere, (which the resolution was calculated to make,) that the grants of land made to those States were gratuities. The resolution is predicated upon the assumption that such is the character of those grants, and that, on the principles of distributive justice, the other States ought to receive equivalent grants, in which the new States should not participate. Those cessions of land were not donations; but they were grants made, for the most part, under compacts with those States, in which the United States obtained a full equivalent, and, in some cases, perhaps more than a fair equivalent. The State of Ohio, at the time of her admission into the Union, obtained by compact with the United States a portion of the public lands within her territory for the support of schools, and a portion of the proceeds of the sale of those lands for internal improvements; and, in consideration thereof, the State of Ohio obligated herself to forego taxation upon those lands while they remained the property of the United States, and for five years after sale; thus throwing the support of the State Government, and the heavy burden of making roads through the public lands, upon the proprietors of private property. One fact is perfectly conclusive against the idea that these grants to that State were regarded by either party as a donation. The act of Congress authorizing that State to call a convention and form a State constitution proposed to the convention certain grants as a compensation for the surrender by the State of the taxing power over the public lands for five years after sale. The convention rejected the proposition of Congress, and proposed, as the condition of this surrender, other and greater grants by Congress; which proposition of the convention was subsequently accepted by act of Congress. The compact made with Ohio led the way for the compacts with the other new States since admitted, and, in most of them, has been the basis of their arrangements with the United States. Let me advert to the practical operation of this arrangement. When these States were admitted, perhaps nine tenths of the public land in each of them remained to be sold. Roads must be made in the country, almost wholly a wilderness, from settlement to settlement; and in the establishment of a new road, in most cases by far the greater part of it would pass over the land of the Government. Under this arrangement, the land of the public contributed nothing; the whole expense was borne by taxation of private property, the proprietors of which were thus placed under the necessity of making roads not only through their own lands, but through the lands of the public also. The money thus expended in making roads through the public lands gave them an immediate value, so soon as the road was opened, which they did not possess before, and was almost always sure to make a ready market for them. In making these improvements, the citizens of the State have been subjected to very heavy and oppressive taxation. These are the burdens the people of the new States have imposed on themselves, and these are the benefits the United States have derived from these burdens, no part of which, as the great landed proprietary of the country, have they borne. If the proposition of the gentleman from Kentucky prevail, have not the new States a right to insist that Kentucky and the other States who are thus placed on a footing with them shall give an equivalent for it equal to that which they themselves have paid? With what truth or justice can it be said that grants made by you, to purchase an exemption from taxation, which imposed on the grantees the necessity of improving your property free of charge to you, and from which you have derived great benefit, was a mere gratuity and favor to the grantees? Again, I ask, if other States come in for the grants, should they not also get them by compact and upon payment of a like or equal consideration?

The United States, sir, have been gainers by all the grants they have made to the new States. They have

been made on the principle of advancing their own interest, as the great land proprietor of the country. In illustration of their policy and operation, the grants made to the State of Ohio, to aid in constructing her canals between Lake Erie and the Ohio, may be cited as examples. Upon the line of what we call our Lake Erie and Ohio canal, there was a considerable quantity of land remaining unsold. It had been in market twenty or thirty years; was considered refuse land, and might not, without this improvement, have found a purchaser for another quarter of a century. You made a grant of land to aid in the construction of the work, and when the State had decided on executing it, your refuse lands were purchased up almost in a day. With what justice can you claim the right to profit by the labor, the enterprise, and the capital of others, and contribute nothing yourself? Will similar grants to the old States enhance the value of the public domain? But, sir, in making this grant to the State of Ohio, you did not content yourself with taking the advance of your property as a compensation for what was given. You did more, sir; you imposed upon the State a perpetual obligation to transport upon her canals, free of tolls, in all time to come, the troops, provisions, munitions of war, and other property of the United States.

This is a privilege which the United States will always have some occasion to use in time of peace; but, in the event of a war with Great Britain, the geographical relation of those canals to what must be the great theatre of the war would render this privilege of incalculable value to the United States, who, without it, would pay tolls by thousands upon tens of thousands. What equivalent privilege will the old States confer on the United States for a similar grant? And, if they give none, then, in all fairness, ought not the State of Ohio to be exonerated from this onerous obligation?

To the other great line of canal from the Ohio, at Cincinnati, to the Maumee bay, on Lake Erie, you made a grant in a somewhat different form, but the same in object and principle; that is to say, to advance your own interest. This canal, for a great portion of its distance, runs through what was then a solitary wilderness, remote from settlement. It was in market, but could find no purchasers at a dollar and a quarter. Before even the State had passed a law to make a canal through this wilderness, you made to the State a conditional grant of the alternate section for five miles on each side of the route of the canal, as far as the Government owned the land, on condition the State would make the work in a specified length of time, and would grant to the United States a perpetual exemption of all toll on the whole line of the canal. But you did not stop here. You withdrew the other alternate section from market, and declared it should be exposed again at public auction, and that it should not be sold either at public or private sale for less than two dollars and fifty cents per acre; thus providing that, in any event, the half reserved should not be sold for less money than you were before offering the whole at, and, at the same time, securing to yourself the chance of a speculation even beyond that at the auction sale. Allured by this proposition, the State has undertaken to make that canal, and, in consequence of it, those lands, at a moderate estimate, will bring to the Government, on an average, from six to ten dollars per acre. You have made a bargain with the State that is a good speculation, and will give you double the money you would otherwise have realized from the whole of your property.

Now, sir, this grant to the State of Ohio lays no just foundation for a claim to grants to the elder States of the Union. The grants to Indiana, Illinois, and to the other new States, were made upon similar considerations, and their history is substantially the same as that of the State of Ohio. If, therefore, grants are to be made to the old States, for education and internal improvements, to which I have no objection, I shall claim, as one of the representatives of the new States, similar grants for them also. I cannot consent that they shall be excluded. I have been prompted to say what I have now said, that an impression might not obtain any where, even for a moment, that for the grants made to the new States the United States have not received the benefit of a full and fair consideration.

Mr. C. ALLAN replied briefly to the remarks of Mr. VINTON, and expressed his belief that when the subject came to be thoroughly examined, it would be found that all the reasons which had been given for granting lands to the new States, in preference to the old, would be found sophistical. He wished for the opportunity to make the investigation; and if the committee were unable to satisfy the nation that the measure was just, let it be put down. He regretted, however, to see the members from the new States opposing the inquiry.

Mr. VINTON said he had not objected to the inquiry itself, but had, on the contrary, expressly avowed himself favorable to it, if the new States were embraced.

Mr. C. ALLAN said that if it should be found that the new States were entitled to any special privileges, he was willing to allow them. But he wished first to have the report of a committee, and he would then reply in full to the argument of the gentleman from Ohio, [Mr. VINTON.]

Mr. BRIGGS expressed astonishment at the opposition the resolution had received, and at the alarm which a mere proposition for inquiry seemed to have raised in the minds of the gentlemen from Ohio, [Mr. VINTON,] and Indiana, [Mr. DAVIS.] The internal improvements which had been referred to had been made for the benefit of the people residing in those States, and they had no cause of complaint because they could not make the Government pay for them. The proposition was one of justice and of right, and he hoped this House would adopt it.

Mr. PARKER was surprised that a proposition involving the rights of the people of this Union, and not inconsistent with the rights of any portion of them, should have created so much sensation. He thanked the gentleman from Kentucky for the introduction of the resolution. Was it any injustice to the new States, who have received these lands, to inquire into the expediency of extending the grants to the States to which they had not heretofore been extended? The public lands were the common property of the people of the United States, and were supposed to be applied for the common benefit of all.

Mr. JOHNSON, of Louisiana, contended that these grants to the new States had been made as a consideration for exemption from taxation of the public lands lying within these States for the term of five years. He had no objection to the resolution going to a committee, but he thought that, in its present form, it was directed only to a partial inquiry; and he moved to amend it by extending the provisions of the resolutions to all the States of the Union.

Mr. C. ALLAN accepted the modification.

Mr. CLAIBORNE, of Mississippi, moved to amend the amendment by adding as follows:

"And provided that no such grant shall interfere with, or be located on, the claim or improvement of any actual settler on the public lands."

In support of this amendment, Mr. C. said, it was no longer to be disguised—and however other gentlemen might feel, there was nothing more humiliating or painful to him—that the applications of the settlers on the public domain were too often received with indifference, almost amounting to contempt. Every day,

sir, we see and feel on this floor the deleterious influence of sectional prejudice and power. Let an application come here from any other quarter for relief, for suffering by fire, for pensions, for erecting custom houses, and improving harbors; let a gentleman from Maryland [Mr. JENIFER] present on one day, from one worn-out district, thirty petitions for obsolete claims; or let gentlemen from Kentucky ask for heavy appropriations to construct turnpikes at Maysville, and canals at Louisville; let a demand come here for damages in any shape, and a powerful organized interest springs up to support it. But when a whole community of men in the West--the bone and muscle of the country--come forward and ask leave to secure the homes wrought out of the wilderness by their own hands, you not only refuse their prayer--not only add insult to injury--but there are those here, and in the other branch of Congress, who sneer at their sufferings, and ridicule their condition.

Sir, it is fit that this should end. The time has come—long indeed in its approach, but is here at length--when the representatives of this injured class of the American people are required by them to take a decided stand. However gentlemen, nursed on the lap of luxury, and accustomed to the refinements of metropolitan life, may feel, the time has come when we shall at least demand some reparation of our wrongs. It is well known that there are in this House contending interests; there are at this very session questions of grave importance to every section of the Union to be arranged; and in the balancing of these interests, and the adjustment of these questions, the settlers on the public lands must not be forgotten. For myself, though the humblest representative of that great interest, I freely avow that I shall reluctantly vote one dollar of the public money for any purpose whatever, until some measures have been adopted for those whose strong and pressing claims have been too long postponed. Your custom-houses may remain unbuilt; your magnificent harbors be unimproved; your princely merchants may complain of duties; your Patent Office never rise from its mouldering bed; but, so far as my estimate of right and wrong will sustain me, I will question the propriety of any appropriation, unless some relief be extended to us.

Sir, I make a sincere and solemn appeal to my political friends in this House, where it is well known we have a controlling majority. If there be any class of men who have supported their measures; who have made exertions and sacrifices for the democratic cause; who have adhered to their principles, and to this administration, unseduced and unterrified by the wealth, and talent, and power, of the opposition; who have stood firm amid successive panics, and even under the effects of the late uncalled for Treasury order have ascribed to those from whom it emanated none but patriotic motives; if there be any such, it is the settlers on the public domain. Mr. Speaker, the State of Mississippi has recently voted for Mr. Van Buren, a gentleman not personally known to fifty of its citizens, against a distinguished neighbor (Judge White) well known to two thirds of our population. We voted for Mr. Van Buren because we had full confidence in his ability, patriotism, and freedom from all geographical prejudices; because we believed, from the whole tenor of his public life, he would pursue a liberal and just course in relation to the public lands; and that, in such event, his high and elevated character, and the general trust reposed by the people in his views, would enable him more effectually than either of his competitors to promote our great object, the reduction of the price of public lands, or something equivalent thereto. We preferred Mr. Van Buren because he might be favorably compared with either of his opponents for talents and public services; because one of them (Mr. Webster) was decidedly unfriendly to titles founded upon occupancy and cultivation; because another (General Harrison) was in favor of applying the proceeds of the public land to the emancipation and colonization of our slaves; and because the great mass of the friends of the other (Judge White) had uniformly opposed every effort to obtain a system of pre-emption and graduation laws. I recognise no stronger opponents of these salutary measures than the friends of Judge White in Maryland, Virginia, Georgia, and the Carolinas. These, sir, are some of the reasons that established our preference for Mr. Van Buren; reasons as disinterested as ever operated upon any other community, and not, as the gentleman from Virginia [Mr. ROBERTSON] would insinuate, mercenary and selfish in their character.

Mr. Speaker, mine is not the language of menace or disrespect. I speak in the spirit of confidence, of abiding confidence, in the majority, and with a frankness not often addressed to men in power. We have long submitted to injustice; we have acquiesced, time after time, and administration after administration, in the necessity that seemed to compel a postponement of our rights; and now, when every political consideration warrants a speedy redress, when the party always professing to be friendly to our cause have majorities in both Houses of Congress; professions, too, that have enabled us for years to sustain ourselves; I repeat, sir, that we have good reason to expect relief.

Sir, I have frequently heard gentlemen declaim in this hall of our glorious Union. Let me tell them, if they desire to preserve it, they must no longer spurn at the cries of complaint and injustice coming from the West. The voice of whole communities cannot be stifled in peace. If a single State, one that exhibited in the war of the Revolution the brightest examples of patriotism and gallantry, maddened under the unconstitutional exactions made upon the South, and shook this confederacy to its centre, what must be the moral effect of your treatment to the Western States; of a contemptuous rejection of the prayers of their respective Legislatures; of an avarcious and fraudulent policy? Sir, you have done more to cripple the energies and to damp the affections of the great multitude, the men who move in masses, and make revolutions, than you ever did to provoke South Carolina. Sir, sir, it is worse than a thousand tariffs.

Mr. Speaker, the policy of reduction and of the pre-emption system is so much cherished throughout the broad region irrigated by the Mississippi and its tributaries, that any refusal to act on the subject at this juncture would produce a feeling of alarm and discontent. Guard the public domain with the closest restrictions, to prevent fraud and deceptious speculations; watch it with the vigilance of a duenna, but do not deprive the poor man of his home, the emigrant of his stimulus, the new States of that which serves as a salutary drain for your crowded and suffering population. It may be fashionable to denounce these modifications of our land laws as opening avenues to fraud. I believe they have essentially contributed to develop the resources of our country. They have created States in the distant West, stocked them with men who were foremost in your battles on the frozen wastes of Canada, and who now, in the same spirit, are baptizing with their blood the star-gemmed banner of a maiden empire. Sir, I never think of these men, of their sacrifices and privations, without regretting that the great man [Mr. CLAY] sent here to represent the West, whose voice was heard during the darkest hours of the late war, cheering on his country, should now be found, still trumpet-tongued, pleading, not for his once-loved pioneers, but for the right of this Government to deprive them of their homes!

Mr. Speaker, it may well be questioned whether you can equitably withhold these privileges from the occu-

pants. This Government has assuredly held out the presumption that liberal changes in the existing laws would be made. Our present Executive certainly went into power and has sustained his administration as much on this principle as on any other. Inducements have been held out to the people to emigrate to the waste lands; promises have been made to them year after year; and would it not be a species of fraud to say they are trespassers, and must be driven off? And driven where, sir? From your own free country into a foreign clime.

If you give them an inchoate title, and allow them to take possession; if, after having cut down your forests, opened roads, improved rivers, and built up villages, you eject them, without trial, or compensation, or sympathy, houseless wanderers over a soil created for their benefit and enriched by their industry, would not the whole world denounce it as an act of heartless cruelty? Sir, let me warn the House to beware of the consequence that may follow this parsimonious policy. The people of this country are not blind. All our acts are scrutinized and canvassed by the poorest settler in the back woods. If they should discover partial legislation, our statute books teeming with laws that operate to the benefit of one portion of society at the expense of another, relieving wealthy merchants, endowing colleges where a poor boy never enters; supporting, at a great expense, a military institution monopolized by the influential, and conferring extravagant salaries on men who manage cotillions better than armies; should they see all this, and compare it with the little that has been done for them, the great mass, what must be the consequence? Why, sir, a feeling of discontent that may be dangerous in time to come. In despotic Governments the disaffection of the people is comparatively unimportant; it can be put down with edicts, and censorships, and arms; but here, the multitude is free; no chains are worn, nor badges of servitude; there are equal privileges, fundamental rights, which we dare not violate; public opinion, if it has not the sanctity and legality of Government, has more than its power. You cannot put this down, Mr. Speaker, by any act of Congress; but you can force upon the people a feeling of agrarianism, a jealousy of property, a disposition hostile to chartered rights. There is a tendency to this in all mankind. Without venturing into political economy, we may divide society into two classes—producers and non-producers. The first constitute the majority, but three fourths of their labor goes to enrich the latter. The few become rich, the many remain poor, under the contributions levied upon them by the former, who, in all ages of the world, have more or less held the law-making power in their hands. But still the mass have the strength, and the bone, and the muscle; and, when roused to exertion, by a long denial of justice, or by years of oppressive legislation, their retribution is terrible. Sir, history is full, alas, too full, of illustrations. There are a hundred volumes in your library crimsoned with the story of popular vengeance. Turn to those tomes of human vice and folly, and trace through their dusty pages the course of every revolution, from the earliest records of time, and it will be found that however postponed or aggravated by other causes, they always commenced with some unregarded disaffection of the people. Mr. Speaker, the agrarian spirit is very dangerous; it is spreading in England, throughout Europe, and every man, with his eyes open, must perceive its progress in the United States. For the last ten years, fostered by unequal laws and high tariff duties, it has spread widely and deeply, particularly in your large cities and manufacturing towns, where the inequalties of wealth, the artificial distinctions of society, and the contrasts of plenty and privation, are painfully visible. This is certainly the weak point in our Government. It is not disunion or foreign aggression, or extended empire or centralism, but this very community principle, which we may dread. In a republic it must inevitably be produced by partial and oppressive legislation. It can only be arrested by conferring equal benefits on all. Sir, the inequality of our legislation is felt by every laboring man in the West, in reference to his great object of interest, the public lands.

He knows practically that your system of disposing of them, especially now, when the mania of speculation rages, is by no means equitable. They are run out by surveyors, who note every valuable lot, and sell the information thus acquired to speculators. They are then put up at auction to the highest bidder. Can the settler come in competition with the opulent planter or associated capital? Can he purchase at ten or twenty dollars per acre? No, sir, no. Deceived by his Government, cheated by the deceitful illusion, not broken until the last hour, that some reservation authorized by law would be made in his favor, the care-worn occupant returns, with a bitter and rebellious spirit, to witness the disappointment and wretchedness of his own fireside; his children desponding; his wife perhaps in the agony of childbed, shelterless; himself, decrepit and penniless, driven forth by the influence of wealth and the ingratitude of his country. Oh, sir, it is unwise thus to sport with the affections of your people; it is hard thus to deprive one of his home, humble though it be. Sprung from the earth, and destined to return to it, every man wishes to acquire an interest in it—some little spot that he may call his own. It is a deep, absorbing feeling, that nature has planted in us. The sailor on the "vasty deep;" the lone Indian and wild bee hunter on the prairies of Missouri; the mountaineer, as he threads his chamios track; and the soldier, perishing for fame ere he freezes into a stiffened corse, dreams, all dream, of their early home; and when every other feeling is subdued and withered, the heart that would not blench at scenes of crime and blood will soften under the *Rans de Vache*, the early song of childhood.

It is an undying feeling; and, when one has gone out from his father's wasted roof, and, in the untrodden forest, clustered his family around some humble shed, can he see it wrested from him by the laws of his country, without cursing that country and those who govern it? Sir, what can compensate a Government for the loss of the love of its people? What is your overflowing Treasury, when it is filtered from the tears of the wretched, wrung from the hard earnings of those who would coin their blood for your protection, and rampart round this Capitol with their dead bodies before it should be polluted by the presence of an enemy? Sir, if you wish to perpetuate this Union; if you wish to extinguish the fatal feeling to which I have alluded, to secure the quiet enjoyment of vested rights for ages to come, you will give to every man who seeks it a home in the soil. There is little faith in parchments or charters, or in the liberty they effect to guaranty; but it is probable this Government would endure uncounted centuries, if every quarter section of the public domain was the *bona fide* property of an actual settler. Incorporate every man with the soil, cluster around him the blessed endearments of home, and you bind him in an allegiance stronger than a thousand oaths.

Mr. ASHLEY, said he could not agree with the gentleman from Mississippi, as to the want of co-operation on the part of the Eastern members in matters touching the interest of the West. On the contrary, he (Mr. A.) had every reason to speak in terms of high acknowledgment of the attention he had received to the interests of the West. As to the resolution before the House, he moved its reference to the Committee on Public Lands. That, he thought, was the appropriate committee, and

must be considered more conversant with questions affecting the public land than any select committee that could be raised.

Mr. JARVIS said he had an amendment himself to offer, but he was willing to waive it. He thought that the discussion should end here, especially as he was anxious that the new States should have an opportunity to present resolutions. He therefore moved the previous question.

And the House refused to second the call: Ayes 60, noes not counted.

Mr. MANN, of New York, said it must be apparent, by this time, that this proposition was neither more nor less than a new edition of the old and exploded idea of distributing the proceeds of the sales of the public lands, attempted to be concealed under rubbish and verbiage, and gilded over by the patriotic idea of applying it to public education. Its paternity is suspicious, and its hope fallacious and delusive. The resolution following the preamble discloses its object in its argument: "to avoid the objection of one State holding land in another, the committee are to be instructed to report a provision that the lands be sold by the United States, and the proceeds given to the old States for the purposes of education." Sir, (said Mr. M.,) what more distinct surrender of the principle of dividing "the spoils" of the public lands among the States could be desired, than is contained in this provision?

Sir, gentlemen sometimes express their surprise at the various propositions submitted; but, sir, I am no longer surprised at any thing occurring here. I have been here too long for that, sir. But I will admit that I heard the remarks of my friend from Mississippi [Mr. Claiborne] on this subject with regret. I am confident, however, sir, that those remarks proceeded from any other cause than a sense of the injustice or illiberality of Congress towards the new States; and I am sure that, on more experience here, and a more careful consideration of the subject upon broad and liberal principles, my honorable and talented young friend will not cherish any of the feelings he has expressed. I know (said Mr. M.) the purity of his feelings and the generosity of his nature too well, I trust, to suppose him for a moment capable of acting upon local, selfish, or narrow principles, to favor his own or any other State.

The preamble (Mr. M. repeated) to this resolution is illusory and deceptive, addressed to the cupidity of the old States represented upon this floor. It recites the grants made by Congress to each of the new States of the public lands in the aggregate, without specifying the motive or consideration upon which they were made. Its argument is, that an equal quantity should be granted to the old States, to make them respectively equal sharers in the public lands. Now, sir, (said Mr. M.,) nothing could be devised more disingenuous and deceptive. Let us look at it briefly. The idea is that the old States granted these lands to the new for an implied consideration, and resulting benefit to themselves; that it was a sort of Indian gift, to be refunded with increase. Not so, sir, at all. If Mr. M. understood the motives inducing those grants, they were paternal on the part of the old States; proceeding upon that generous and noble liberality which induces a wealthy father to advance and provide for his children. This was the moving consideration, though he (Mr. M.) was aware that the grants in aid of the improvements of the new States and Territories were upon consideration of advancing the sale and improvement of the remaining lands in those States held by the United States.

We were now asked, he (Mr. M.) believed, for the first and he hoped for the last time, to destroy that parental and fraternal feeling which had always bound the new States to the old in an indissoluble union, by arraying before them our liberal beneficence, and claiming from them an equivalent. Sir, we should remember that the people of the new States are our enterprising citizens from the old—our friends and our children; and if we establish the principle contained in this proposition, we might as well claim from them a remuneration for all our appropriations to make their roads, to open and render habitable the country sought by their enterprise. We might, in short, claim a remuneration for the loss of our population and wealth which has been transferred from the old to the new States. The principle carried out would result in this. Mr. M. said he perceived that the States of Kentucky and Tennessee were to share in this proposed bounty. Most of the old States possessed a large share of land which they have devoted to the various purposes of their own infant Governments. When the people of the new left the old States, they relinquished their interests in those lands, and the funds proceeding from them; and this consideration has, perhaps, had some effect with Congress in extending their liberality to the people of the new States. It should do so.

The United States continue to hold their large domain in those new States, and to derive a revenue therefrom. Not so with the States of Kentucky and Tennessee. These were not colonial States. How did they acquire title to the lands within their jurisdiction? Not by grant from the United States, or any one of them. Time will not permit, Mr. Speaker, to relate the history of those transactions now. Suffice it to say, they made "lawful prize of the lands" they now hold, no matter whether by discovery or conquest. They wish now to share a new division of spoils; and, if any is to be had, perhaps it is right they should.

Mr. M. concluded by saying that, when it shall be in order, he would move to strike out the preamble to this resolution entirely, as illusory, argumentative, and deceptive.

The SPEAKER said the motion was not now in order.

Mr. MANN gave notice that, when in order, he would renew the motion.

Mr. CAMBRELENG said that he thought it would be better to dispose of one resolution at a time, and for this purpose he would move that the House proceed to the orders of the day; which motion prevailed.

EXECUTIVE ADMINISTRATION.

The House then resumed the consideration of the resolution, originally submitted by Mr. Wise, and the amendment proposed thereto by Mr. Pearce, of Rhode Island, for an inquiry into alleged abuses of the executive departments of the Government.

Mr. ROBERTSON observed that, although entitled to the floor, he had not intended to interrupt the business in which the House had been just engaged, by a call for the order of the day. In truth, he should have preferred that the subject now under consideration should have been permitted to lie over until his colleague, who had presented the original resolution, [Mr. Wise,] should be present to defend it. But it had been the pleasure of the House to order it otherwise; and, concurring as he did in the propriety of that resolution, he should reluctantly assume the task, which his colleague would have so much more ably performed, of vindicating it against the objections urged in debate, and the insidious attempt, by way of amendment, to defeat it.

The present discussion (said Mr. R.) has been pronounced by a gentleman, who took part in it, [Mr. Mann, of New York,] one of the most useless that ever occurred in this hall. And, so far as respects the success of the proposed measure, the remark, judging from the fate of similar efforts to obtain the privilege of inquiring

into the condition of the executive departments, may be perfectly just. But that gentleman regards it as useless, because, he tells us, no one now objects to the passage of the resolution in some shape or other. We shall see, sir, how this is when the vote shall be taken. But granting it to be true, still it is all-important that the shape of the resolution be such as will attain the object in view. If the form proposed by my colleague be adopted, it will justify a thorough investigation; if the amendment prevail, all inquiry may be suppressed. Gentlemen, however disposed to investigate, may be unwilling to assume the character of accusers or witnesses. They may not personally know the truth of the facts into which they would inquire, nor choose to vouch for the suspicions which are abroad. To demand a specific accusation before inquiry is to reverse the order of proceeding. The very purpose of an investigation is to ascertain whether there is or is not ground for accusation. If specific charges could be made and sustained, without a previous inquiry, inquiry would be unnecessary; we might proceed, at once, to impeach the officer, or correct the abuse. The shape of the resolution, therefore, is not matter of form merely, as gentlemen would seem to imply. In one form it will throw the door open to inquiry; in another it slams it in your face. If the form be so very immaterial that all discussion is useless, why, sir, was the resolution, originally proposed by my colleague, not accepted at once? Why has an amendment been offered so unacceptable to him and to those who concur with him? Unless this amendment was designed to prevent the full investigation they ask, what purpose could it answer, except to provoke that useless debate, of which gentlemen complain, and in which they have taken so large a share? Instead, however, of taking the vote upon a resolution which, it is said, all are willing in some shape to adopt, it has been vehemently assailed, and a multitude of objections, utterly frivolous and inconsistent, have been arrayed against it.

The gentleman from Rhode Island [Mr. PEARCE] objects that it is not bold enough. To use his own elegant metaphor, "it does not take the bull by the horns." If gentlemen have any thing to say against the President, he desires it shall be done in due form, and then, we are to understand, full latitude would be allowed. But he immediately refutes his own objection; for he adds that, in passing upon the acts of the President's ministers, we necessarily pass upon him.

The gentleman from Louisiana, [Mr. RIPLEY,] on his part, objects to the resolution expressly upon the ground that it is a direct assault upon the President himself; that it imputes to him falsehood and corruption; and declares, that to institute an inquiry would be to sanction the charge. Thus, sir, one objects because the resolution is not bold enough, the other because it is too bold; one because it does not take the bull by the horns, the other because it does. It is impossible that both can be right in the reasons assigned, yet both will concur in voting against the resolution; and, shape our course as we may, we cannot reconcile the one without disobliging the other.

None will contend that my colleague's resolution is not sufficiently broad. That, sir, is the fatal objection; it was designed to be effectual. Gentlemen complain that it is too broad; not specific enough. It is very much, says the gentleman from New York, [Mr. MANN,] in the nature of a general search-warrant; and the gentleman from Indiana, [Mr. LANE] is opposed to a roving, unlimited, unrestricted committee. Let us suppose that these objections prevail, and that a committee is appointed under the restrictions imposed by the amendment. My colleague, as chairman, proceeds at its head to the Treasury Department. The sign of Reuben M. Whitney, in large capitals, attracts his notice. My colleague, you know, sir, has always manifested a strong desire to investigate the nature of the alleged connexion between Whitney and the Treasury. He is about to enter. Stop, say the gentlemen, specify your charges. I make none, my colleague replies; I come to institute an inquiry. Then we cannot proceed, sir; we are not a roving, unrestricted committee. Besides, sir, this Mr. Whitney is a private gentleman; he occupies a barber's shop. Barber's shops doubtless may be found sometimes very convenient appendages to banks, to enable them to shave their customers; but my colleague might be at a loss to understand what occasion there could be for one, if it be of that description, so near the Treasury. Overruled, he proceeds to the other departments. He requests to see the official correspondence. What is your specific charge? I wish to inquire into the appointment or dismissal of such and such officers; the recent appointment of Hocker, for instance, who, it has been stated on this floor, kept back the poll-books of an election for party purposes, and has been rewarded with office in the midst of an insulted and indignant community. Do you charge corruption or abuse? No; my object is to inquire. We can only inquire into specific charges. Permit me, then, to see the books of the office. Hold, sir; what particular entry do you allege to be false or fraudulent? I cannot tell, says my colleague, what the entries may disclose before I am permitted to see them. That would be in the nature of a general search. He is again overruled; the books remain sealed books for him, and he returns from his fruitless errand, as wise as he went. But he makes a report; and how does he respond to the broad assertions of the message? Is all right? Are our public functionaries all diligent, all honest? Sir, he cannot answer the question. He has been permitted to open no book, to inspect no record. And this mock examination is to be claimed on behalf of men at the head of our executive departments; of honorable men, it is said, unjustly assailed! Were you to enter the house of a suspected felon in search of stolen goods, he might be expected to insist that general search-warrants were unconstitutional, and to forbid you to open a closet, or turn a key, until you should specify, on oath, the article alleged to have been purloined; and, if brought to trial, he might call on some quibbling attorney to seize on any flaw in the indictment to get him off. But men filling high and responsible stations cannot, without dishonor, rely upon any defence which precludes a thorough investigation into their official conduct. Such a course would justly excite suspicions, where none existed before; and where they did, would confirm them. What, sir, would you think of the clerk of a bank, or other institution, over which you might preside, who should refuse you permission to inspect his books, unless you should first make a specific charge, and designate the particular entry to prove it? Would you not infer guilt, and instantly dismiss him from your service?

Sir, the investigation now proposed on the part of the public in no respect differs from that which every private institution or individual is at liberty to make. The people surely have the same right to know in what way their affairs are managed by their own agents. They will not be satisfied that such an investigation shall be denounced as inquisitorial; refused, unless their representatives shall step forward as witnesses or accusers; or, if allowed, that committees shall be sent into the public offices hoodwinked, and tied down to specific allegations. Still less will they agree to be told that executive officers are not the servants of the people, but the President's ministers, more sacred, even, than the ministers of a King; that all inquiry into their conduct shall be suppressed, because the President has borne testimony to their fidelity, and to question that is to assail his veracity. Yes, sir, such are the doctrines now heard on this floor. To this complexion have we come at last.

But, sir, while one gentleman [Mr. Ripley] denounces the proposed inquiry as inquisitorial, and another [Mr. Lane] as wholly unprecedented, the gentleman from Rhode Island is opposed to it because it is already provided for by the rules of the House. Several of the standing committees, he tells us, among others the Committee of Ways and Means, have authority to do every thing contemplated by the resolution. If so, sir, surely the proceeding is not without precedent; and, if inquisitorial in its character, why does not the gentleman from Louisiana move to abolish the rules which require it? It is impossible to reconcile these inconsistencies. There is nothing inquisitorial or illegal demanded by the resolution. It proposes to insure the performance of an important duty which we owe to the country, and which has been too long neglected.

But if the gentleman from Indiana [Mr. Lane] will not regard the authority conferred by the rules of the House on its standing committees as a precedent in point, what will he say to the precedent in the case of the Post Office examination? Aware of its force, he sought to evade it by telling us that that examination was moved for by the chairman of the Post Office Committee. What then, sir? The objection is not to the power, but to the member who applies; not to the resolution, but to the mover. It would, indeed, appear so. But two days past, a resolution, offered by one of my colleagues, [Mr. Garland,] to inquire into the connexion between Whitney and the Treasury, was unanimously adopted—unanimously—though, in substance, the same with that which another colleague, on a different side of the House, [Mr. Wise,] had, during a great part of the last session, struggled in vain to carry through. Yes, sir, fortunately, the Post Office investigation was moved for by a friend of the administration; it was directed, too, notwithstanding the President had proclaimed that all was well, by those who certainly did not mean to impeach his veracity. No specific charges were demanded. The committee was vested with a sweeping authority to examine, generally, into the condition and proceedings of the Post Office Department; and the result of its labors was the development of a mass of iniquity, seldom surpassed in the history of the most corrupt Governments. Suppose, sir, the doctrine of specifications had been then enforced. Who could have specified the neglects, the frauds, the erasures, the corrupt and collusive practices of every kind, which prevailed in the Department, many of which were, for the first time, discovered in the progress of the examination, and astonished even those who suspected most? What sized document would it have required to comprise the specifications? And now, when an examination is proposed into all the departments—every one of which, it was once broadly intimated by an administration gentleman on this floor, [Mr. Smith,] if the light should be let in, would disclose similar delinquencies it is gravely insisted that no inquiry shall be made, or, if authorized, that it shall extend to no abuses except such as shall be specifically alleged.

Sir, there is no want of authority in this House, or of precedents, to justify a general examination into the condition and proceedings of the departments. All that is wanting is the inclination to exert it. Gentlemen should show precedent for refusing it. During the last administration, when Chilton's resolutions were under discussion, and every species of corruption imputed, the gentleman from Rhode Island, who now calls for specific charges, though then a friend of that administration, declared that the more extensive the inquiry, the more he should be pleased. He wished that a history of its whole proceedings could be written in sunbeams in the heavens, that all might see; and the administration party, to their honor, voted for the resolutions, without one dissenting voice. What a contrast does not their conduct exhibit to that of the party now in power, who object to inquiry, while constantly proclaiming their willingness to meet it, because it may wound the President; or seek to shelter the public officers under exceptions to form?

Are gentlemen serious, sir, in this demand for specific charges? Why was it, then, that a resolution, offered last session, demanding an inquiry into an alleged illicit connexion between Whitney and the Treasury, was repeatedly and finally rejected? Even the amendment offered by my colleague, from the Brunswick district, [Mr. Dromgoole,] proposing humbly to solicit the information from the Secretary of the Treasury, the officer implicated, ultimately failed; the gentlemen now calling for specifications, [Messrs. Mann, Pearce, Ripley, and Lane,] with one voice voting against the last proposition to take it up, made by my colleague from Accomack, [Mr. Wise,] and succeeding, with an administration minority of 59, in stifling all inquiry.

But, if it shall be the pleasure of the House to adopt the amendment; if specific charges must be made, it will, perhaps, not be so difficult to present them as gentlemen may have imagined. Charges have been made upon this floor, upon authority which the gentleman from Rhode Island, at least, will not question, well meriting investigation. Sir, they were made by the gentleman himself. I was not present; but I am not permitted to doubt, though it seems almost incredible, that the gentleman who, some four or five years ago, delivered a speech in this hall on the resolution relating to the Wiscasset collector, and who bore the same name, and represented the same State, is the same gentleman who offered the amendment, and whom I now behold sitting near me. *Heu quantum mutatus ab illo!* I beg leave to recapitulate some of the most prominent charges.

Mr. Robertson then enumerated a variety of charges contained in the speech of the member from Rhode Island, in April, 1832.—(Congressional Debates, vol. 8, p. 2397.) He read passages to show that the member had substantially charged the President and his party—

With neglecting the reform and retrenchment they were pledged to effect;

With viewing those who had previously been in office as conquered enemies, and the offices themselves as the spoils of victory.

He said that the gentleman, to use his own expressive language, had taken the bull by the horns, and had charged the President himself—

With improperly appointing members of Congress to office;

With using his official patronage and influence to make Mr. Van Buren his successor;

With contemning the authority of a co-ordinate branch of the Government, the Senate; and

With usurping or abusing the power of appointment.

Mr. Robertson commented upon these charges, and the arguments and proofs adduced by the member from Rhode Island in support of them. He said that the abuses complained of had never been investigated—that it was time to inquire whether the charges were well founded, and if so to provide a remedy.

He observed that to the list of members of Congress named by the member from Rhode Island, on whom executive favor had been bestowed, numerous others might now be added; that the President had indulged in this practice, the corrupt tendency of which he had himself pointed out, to an unexampled extent.

To the instances adduced to prove the President's contempt for the authority of the Senate—those of Stambaugh and Rector—he would add that of Gwinn, and the more recent case of the former Speaker of this House; and argued that the President, in keeping persons in office whom the Senate had rejected, or keeping

offices vacant which the public service required should be filled, until the Senate should conform to his will, had, in effect, appropriated the whole power of appointment to himself, and violated the constitution, in its spirit, if not in its letter.

In regard to the charge against him of using his official patronage and influence in the election of his successor, he would only say that, if the gentleman from Rhode Island, nearly five years past, saw grounds to believe that the President had thrown "his mantle" upon Mr. Van Buren; if he thought himself justified in presenting the vivid picture he then drew of the President with his pet candidate "on his shoulders;" it was impossible he could have seen any thing since to shake his belief; on the contrary, the Gwinn letter, the Baltimore caucus, the late electioneering tour into Tennessee, were corroborating proofs, with many others, that the President had kept his eye steadily on his object, until it had been finally consummated.

While upon this subject, said Mr. R., as the merits of the President elect have been brought into discussion, I will take the occasion to say, that however reprehensible I may consider the manner of his elevation to the presidency, for one, I am unwilling to prejudge his course; still more to proclaim in advance an uncompromising hostility to his administration. He is constitutionally elected. The people have, at least, gone through the forms of an election; and we owe it to them to give his measures a candid consideration. Nor is there any thing in the course prescribed to him to justify, in my opinion, predetermined opposition from any quarter. It is true, the humiliating condition has been imposed upon him of following in the footsteps, and carrying out the principles, as they are called, of General Jackson; but this, in reality, is no restriction: it gives him full latitude; a *carte blanche* to steer his course to any point of the political compass. For what principle is there, or measure, which has ever agitated or divided the American people, in respect to which General Jackson has not, at different times, held opposite positions? Let us test the operation of this pledge upon the future policy of the administration.

Will Mr. Van Buren favor retrenchment and reform? Why, sir, so did General Jackson: it was the very watchword of the party. Will he set his face against them? He may plead the example of his predecessor.

Will he recommend a protecting tariff? He will find full authority in the early messages of General Jackson, and in his course during the controversy with South Carolina. Will he discountenance the principle of protection? The later messages, especially the last, if they do not abandon it, fritter it away until it ceases to be of any practical importance; besides, General Jackson was always for a judicious tariff; and that we know is any tariff that is popular with the majority.

A national bank: what course will he take in relation to that? The prediction has been made, by far-sighted politicians, that four years will not elapse, certainly not five, before such an institution will be organized. I trust, sir, it is a false prophecy. But Mr. Van Buren may recommend or approve it in conformity with the opinions of General Jackson in the messages of 1829 and 1830; or he may denounce uncompromising hostility, and refer to the battle with the monster.

Internal improvement: will he oppose the doctrine? We shall be told it had been long since crushed beneath the Maysville veto. Will he sanction it? The enormous expenditures lavished on this unjust system during the present administration, greatly exceeding, it is believed, those of all the preceding administrations together, will prove that he is still following the footsteps of General Jackson.

Will he maintain inviolate the rights of the States? Why, he and General Jackson were always Jeffersonian republicans—strict constructionists. Will he trample them beneath his feet? He may hold up the proclamation, and show that he is but carrying out the principles of General Jackson.

The surplus revenue: will he recommend its distribution among the States? The messages of 1829 and 1830 will support the recommendation, and refute every argument against its propriety. Will he deny the right of Congress to return to the people what has been unlawfully wrested from them? So does the message of 1836, which contains a full recantation of the doctrines of 1830.

So, sir, he may reward members of Gongress with executive appointments, or denounce such appointments as making corruption the order of the day; he may deprecate the use of official patronage in interfering with the freedom of elections, or employ it in securing the election of his own favorite to the presidency, and not depart from the footsteps of his predecessor.

I repeat that the pledge of Mr. Van Buren to carry out the principles of General Jackson commits him to no settled scheme of policy. There may, sir, perhaps, be one exception, on a subject of great interest to the country: I mean the disposition of the public domain. Upon that I fear, from the tenor of the last message, and more especially from what fell this morning from the gentleman from Mississippi, [Mr. CLAIBORNE,] that his policy has been already decided, and pledges given of peculiar favor to the new States. That gentleman, if I correctly apprehended his remarks, intimated that such expectations had been created, which had induced himself, and the State he represents, to support Mr. Van Buren, a stranger to them, in preference to Judge White, a highly respected friend and neighbor; and threats were held out of a refusal to vote appropriations, or to act with the party in power, unless those expectations were speedily fulfilled.

[Mr. CLAIBORNE explained. He said that, in the warmth of argument, he might have expressed himself in terms that did not properly convey his meaning. He and his constituents regarded Mr. Van Buren as every way qualified for the presidency: believing this, they were induced to support him in preference to Judge White, because they had reasons to think his election would be more favorable to the views and interests of the new States. He meant to convey no threat.]

Mr. ROBERTSON. I am incapable, sir, of misrepresenting any thing said on this floor. The gentleman's explanation leaves the matter just as I stated it. I should not have adverted to the remarks he made, had I not supposed they fully expressed his sentiments. If his judgment, upon reflection, does not approve them, I waive any further observation upon them. I must acknowledge, however, sir, that I should have been pleased to hear what reasons the gentleman had for the expectations it seems he and his constituents entertain; and I warn him, and the party with whom he acts, that the old States, who surrendered this immense domain for the common benefit of all, will never yield their perfect right to participate equally, at least, in that which was once exclusively their own.

But except in the particular instance, Mr. Speaker, which I have just mentioned, if that be an exception, there is scarcely a single principle or measure which Mr. Van Buren may not adopt or repudiate, without violating his pledge to follow in the footsteps of General Jackson. He will be borne out in either case by the precept or practice of his predecessor. In most cases he will find both; the precept one way, and the practice the other.

Let him, then, as he may in good faith, adopt those which will bring about a reformation of the manifold

abuses of the Government, and a reduction of its present wasteful expenditures; let him set his face against the schemes of the abolitionists; discountenance an iniquitous tariff, a national bank, an unjust and unconstitutional system of internal improvement; let him abstain from violating the rights of the States; from the exercise of undelegated and doubtful powers; from the corrupting practice of bestowing lucrative appointments on members of Congress; let him, sir, above all, following the advice of his predecessor, exterminate the monster, party spirit, and take care that the public offices be filled with capable and honest men; let him do this, conforming to the good old republican doctrines, and his measures at least shall have my humble support, here or elsewhere; and, I doubt not, that of my friend from South Carolina, [Mr. Pickens,] who has so indignantly and eloquently denounced the principles that have brought him into power.

[Mr. Pickens requested his friend from Virginia would allow him to explain. He said he had declared uncompromising hostility to the principles upon which the new administration was coming into power, and that nothing could reconcile him to ratify those principles by a re-election of the man, although he might be found supporting any of his measures that might be sound.]

Mr. Robertson said the observations alluded to had probably been misunderstood, and he was pleased that the opportunity had been afforded of correcting any misapprehension.

But, sir, I have too far already, I fear, violated parliamentary order, though not perhaps congressional usage, in following other gentlemen who have touched on the course of the next administration. The two administrations are so connected, or, rather, identified, that it is difficult to look at the one without seeing the other. Like the colors of the rainbow, they are so happily blended that it is not easy to say where one ends or the other begins. We behold, indeed, not so much a new administration as a continuation of the old one, under a new name; not so properly a succession as a regency—that, sir, is the appropriate name—bound to carry out the views and obey the will of the reigning monarch.

I have enumerated, Mr. Speaker, specific charges made by the gentleman from Rhode Island; sufficient, perhaps, to occupy the attention of the committee for the residue of this session. If the gentleman will not obey the suggestion of some of his friends, and withdraw the amendment, I shall ask permission to insert these charges in it, in order, as he will probably be a member of the committee, that he may have an opportunity afforded him of making them good.

There is one other charge, however, founded on occurrences of a later date, that ought not to be omitted. I allude to the removal of Melvill, Coggeshall, and others, from subordinate appointments in the customs, by Littlefield, the collector of Newport. An account of this transaction will be found among the records of the Senate, in a report made on the last day of the last session.

Sir, the gentleman from Rhode Island objected to the resolution before us because the committee might require the departments to furnish information relating to removals from office. He seemed horror-struck at the bare thought of such an investigation. Well may it be dreaded; for there is no part of the action of the Government in which there would probably be found more corruption, injustice, and oppression. But this, sir, is a specific charge, made by one of his own fellow-citizens, of an abuse practised in his own State; and the gentleman will, I trust, aid the committee in ascertaining its truth.

Melvill states, in his petition, that he held his appointment under the former collector, Ellery, for ten years; that Ellery was satisfied with his conduct, and so informed Littlefield, his successor; that he was continued in office by Littlefield until March last, when he, with four others, was removed. He ascribes these removals to the influence of party spirit, and more immediately to the proceedings of "an administration meeting," held at Newport, and at which it is said the gentleman from Rhode Island was present. I ask that his statement on this subject may be read.

The Clerk read the following passage:

"Not long after Mr. Littlefield became collector, he was called on by those who recommended him to office, to know why he had not made the removals from and appointments to office which he had promised, in case he obtained the appointment of collector. He was accused of keeping in employment those who had uniformly opposed the administration, to the exclusion of its supporters; and he was threatened with their displeasure if he did not speedily comply with his engagements, made previous to his appointment. A meeting of partisans was soon after held, styling themselves 'a committee of the administration party,' where a list was made out of the officers of the customs required to be removed, and of those who were selected to be appointed in their places; which was sent to the collector, Littlefield, with a request that he would immediately make those removals and appointments; which list of proscribed officers, and those who were to take their places, was sent by the collector, as his own list, to the Secretary of the Treasury for his approval, and it was approved of by the Secretary of the Treasury.

"Of the officers attached to the customs at Newport, who held office when Mr. Littlefield came in as a collector, three were retained and five removed; of the three retained, one had not recently opposed the administration, and gave assurances that he would not in future; the other two had uniformly voted with the administration party. Of the five removed, one had sometimes voted with the administration party, but declined voting when members of the General Assembly were to be chosen, who were to elect a Senator to Congress, his father-in-law being the whig candidate; two of them were not freeholders, of course had no vote; and two others, by their votes, had uniformly opposed the administration party."

Melvill further states, in his petition, that Littlefield told him that Coggeshall had been removed because he and his son uniformly voted against the administration; that no complaints had been made against him, (Melvill;) that he had performed his duties correctly and faithfully; that it was not the collector's wish that he should be removed; and that he should be pleased to see him reinstated, which he thought might be effected by a proper representation to the Secretary of the Treasury. He further states than an honorable member of Congress from Rhode Island, for whom he had voted as long as he had a vote, and to whom he applied for an explanation of the cause of his removal, informed him "that it was stated by one of the committee who made the nominations, that, five or six years ago, when Governor Fenner was a candidate for Governor, although Melvill voted for him, yet he voted for the whole opposition ticket." But the strongest reason for his removal was, "that he was not possessed of a freehold estate, and could be of no use to the party, even if he was favorable to their measures;" "that it was incumbent on the party to husband all their resources;" but further said, if he would "possess himself of a freehold estate, and support the administration, he should be appointed to a better office, when the new custom-house act should pass." As to Coggeshall, that this same member of Congress told him he (C.) had been reinstated upon "the express condition that he and his son should in future vote on the side

of the administration." Melvill solicited the Secretary of the Treasury to inform him for what cause he had been removed, declaring that it would be a source of consolation to him and his family to know that there were no charges against him of incompetency or neglect. He addressed him again, representing all the facts of his case, his support of the administration ever since the first election of General Jackson, his faithful services in office, his inability at his advanced age, if deprived of its emoluments, to support a numerous family. He appealed to him for justice. The Secretary replied that his communications had been referred to the collector, with instructions to report upon his case. He requested a copy of the report; and received a brief answer, that the collector had only exercised his legal rights, and that the Department saw no occasion for its further interference, but would leave the responsibility on the collector. He repeated his request, and was answered that "the representations of collectors to the Department were, generally, of a confidential nature." He then, sir, presented his memorial to the Senate. He asked nothing for himself, but prayed that such legislation might be had as would restrain, in future, such an abuse of power as had been practised towards him.

The gentleman from Louisiana indignantly denounces all inquiry into the conduct of four executive Departments, as inquisitorial. What will he say to the inquisition which those Departments themselves have avowedly established? The character of every public officer, of every citizen of the country, lies at the mercy of these secret tribunals, liable to be stabbed in the dark by the hand of an unseen assassin. Little, sir, does Levi Woodbury deserve the high encomium that gentleman passed upon him, if the document I have referred to contains the truth. If, sir, he knew and approved the oppression exercised towards Melvill, his heart is as hard as the granite rock of his native State. I go further: if the facts are as they are represented on the oath of a man whose veracity seems not to be questioned, and the Secretary of the Treasury has sanctioned these proceedings, he deserves to be disgracefully deprived of the power he abuses. Yes, sir, unless Mr. Madison, the purity of whose life and principles will exhibit a striking contrast with those of some who will figure in the annals of the present day, has strangely misconceived the nature of this offence, it is one for which the President himself would be justly subjected to impeachment and removal. An old and faithful public servant is to be dismissed because he is too poor to buy a vote, or too honest to sell one. He is of no further use to the party; that party, sir, who profess to be the exclusive friends of the poor; and in his old age reduced to beggary, his reputation, all that is left him, blasted, perhaps forever, and the privilege denied him of knowing the charges against him, or being confronted with his accuser. Yes, the official document in the possession of the Treasury Department, which shows the real ground of his removal, and may prove his innocence, withheld, not from him only, but even from a committee of the Senate.

There is one circumstance disclosed in these proceedings that should not pass unnoticed. It shows the slavish doctrines that the system of proscription adopted by the present administration is but too well calculated to inculcate. One of the removed officers—removed, as he seems to suppose, solely upon political considerations—testifies that he informed the collector that, though officers of the United States Government might vote as they pleased in State or municipal elections, "it was his fixed opinion that a man holding an office under the Government of the United States was not justified in voting against any officer who was favorable to those who administered the Government." This, sir, is the democratic republican doctrine: that no man is worthy of an office who is not ready to sacrifice his conscience for the good of his party; and we are not to be permitted to inquire even into the action of the Government which is thus destroying the freedom of election. It would bring suspicion upon the heads of the departments. Their reputations, we are told by the gentleman from Indiana, [Mr. LANE,] are like those of innocent women; to suspect is to damn them. Then, sir, are they damned already, beyond redemption; blasted long since, by the gentleman from Rhode Island. Sir, that gentleman, when denouncing official corruption in the case of the Wiscasset collector, said, and said truly, that innocence has nothing to fear. No; and, if we may judge of the future by the past, guilt has nothing to fear. What punishment followed the unparalleled negligence, corruption, and abuse, detected in the Post Office? It is known, sir, throughout the country. The head of the Department was forthwith removed, and promoted to one of the highest and most honorable stations in the gift of the Executive.

Every means is taken to elude investigation. The gentleman from Louisiana [Mr. RIPLEY] has even condescended to appeal to our sympathy, by representing the President as lying on his sick bed, and talks of the ingratitude of republics. Ingratitude is not so often the sin of republics as gratitude is the grave of their liberty. It is the gratitude of the people that too often overlooks the faults of some brilliant conqueror, and arms him with power—their own power—to crush them. What more would the gentleman ask for General Jackson? He has received, as well as the gentleman himself, a full share of the honors and emoluments of the country. I am grateful to both; and equally so to the poor soldier who fought under their command, and whose bones whiten the battle-fields of our country. I profess none of that sickly sensibility that yields all the glory and honor to the great and powerful, and expends itself in lamentations for their calamities. I regret to hear of the bodily suffering of the President, as much as I would of yours, sir, or of that of the gentleman from Louisiana; no more. But what connexion is there between the President's indisposition and the measure under consideration? If any gentleman will say that the President's personal attendance is necessary, I will vote to defer the inquiry until he shall be restored. But I cannot consent that all legislation shall be suspended because the President is sick; that our frontier shall be ravaged, the poor Indian robbed and massacred for his property, the peculator fatten on the public spoils, and corruption and oppression go unpunished and unexamined, because the President is sick. I will not believe that this investigation will give him pain. The gentleman from Georgia [Mr. GLASCOCK] tells us that he is authorized to say that the President desires a strict investigation; and gentlemen ought not to distrust his sincerity. Sir, sick as he is, it is better that he should sometimes hear the plain language of truth, than to be nauseated with doses of flattery served up daily from this hall.

It is time this struggle should end. Gentlemen tell us it is too late; it is the short session, and one committee cannot perform the task. Last year I had the honor of proposing a similar investigation, and, that it might be effectual, asked a separate committee for each distinct head of inquiry. But then, sir, it was the long session. In the long session, six or seven committees are too many. In the short session, one is not enough. True, sir, it is a Herculean labor; but let us make a beginning. If the Augean stables cannot be thoroughly cleansed, at least the filthy heap may be removed that blocks up the entrance.

Before Mr. ROBERTSON had finished his speech, (the whole of which is given above,) he gave way to a motion for adjournment.

And the House adjourned.

THURSDAY, JANUARY 5.

THE PUBLIC LANDS.

The House resumed the consideration of the following resolution, offered on yesterday by Mr. CHILTON ALLAN:

"*Be it resolved*, That a select committee of one member from each State be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Vermont, Maine, Kentucky, and Tennessee, such grants of the public lands, for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first-named States and Territories, and that said committee have leave to report by bill or otherwise. But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same."

To which the following amendments were pending:

By Mr. VINTON:

"*Resolved*, That said committee be further instructed to inquire into the expediency of inserting a clause in said bill to pay said new States the value of the improvements made by them on the public lands, or to pay to them the amount the public lands would have been assessed for taxes, if they had been private property."

By Mr. CLAIBORNE, of Mississippi, to amend the amendment by adding thereto the following:

"And provided that no such grant shall interfere with or be located on the claim or improvement of any actual settler on the public lands."

Mr. A. G. HARRISON said, that when the gentleman from Kentucky introduced his resolution on yesterday, he was at first inclined to think that it would be improper then to go into a discussion of the merits of the question, and felt willing that the resolution should be referred without debate; but maturer reflection had convinced him that he was in an error, and that it was proper a full discussion should be had, and the subject thoroughly understood, in order that the House might indicate, by its present movements, its future disposition of the subject. Sir, said Mr. H., the subject of the public lands, their future disposition by Congress, is one vitally interesting to the people I represent; and the change contemplated by the resolutions under consideration is of so extraordinary a character that I feel constrained, however unprepared, to submit a few a remarks before the question is taken.

Sir, the statement of the gentleman in his preamble, in relation to the amount of the public lands that had been given to the new States, in the way of grants, is wholly deceptive. It assumes the position, and is anxious to produce the impression, that these grants, on the part of the General Government, were a gratuity; that the new States had rendered no equivalent, and that no valuable consideration had passed. Never, sir, was there any thing more untrue. Sir, we paid a high price, the highest possible price which freemen can pay, for the grants that were made to us, and for the privilege of comin ginto this Union. We gave up a portion of our sacred rights as a free and sovereign people; of those rights, Mr. Speaker, which you and your State enjoys—which all of the old States of this Union possess, but which are prohibited to us. We gave up the right of taxing lands lying within our own limits, one of the highest attributes of sovereignty. Sir, it is the living principle of sovereignty—the self-existing spring of all free Governments. It was this, sir, that we gave up; this is the price that we paid for the lands that we got from the General Government by express stipulation, and which the gentleman is pleased to denominate donations. What are these donations, and how came the General Government to give and the States to receive them? I will explain it. Upon the admission of the new States into the Union, there were always stipulations submitted by the General Government to the States wishing to enter into the Union, to which they were obliged to agree before coming in. Examine all the various ordinances that were passed by Congress upon the several new States coming into the Union, and it will be invariably found that the lands which the gentleman has paraded before the world as donations were given to the States for specified purposes, as an equivalent for that part of sovereignty which they had surrendered—not to tax the public lands, nor the lands sold at private sale, for five years after the sale. In the admission of Ohio into the Union, the General Government submits three propositions to her, which she was to have upon her complying with the conditions imposed; and these propositions were, 1st, That Ohio should have every sixteenth section for school purposes; 2d, That the salt springs, with the sections of land which include them, should be given to her; and, 3d, That one twentieth part of the nett proceeds of the lands lying within the said State, after deducting all expenses, should be applied to the laying out and making public roads, &c., on the conditions that the convention of said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold after a certain day shall be and remain exempt from any tax paid by order or under the authority of the State, for the space of five years, &c. Such, sir, were the conditions imposed by the General Government upon all of the new States; and such is the price, with the additional imposition that we should not tax the public lands, which we have paid for the lands that were given to us for the purpose, dictated to us, of erecting common schools and seminaries of learning. These were the conditions required of us, and which we had quietly to submit to, and take as an equivalent for the birthright we gave up; and they were imposed upon us at a time when we could not refuse, and exacted by one whose power we could not control, and whose injustice we could neither escape nor avert.

I deny, sir, that my State has received one acre more than she was entitled to under the bond. It is true the gentleman has brought an account against her of 1,181,248 acres, when, in fact, it is but the mess of pottage. Over and above that which became our own according to and under the stipulations offered us, and which we agreed to, because we had no other alternative but to submit, we have never received any thing; no, not an acre. And, sir, shall we permit the charge to go out to the world that we have received this amount as gratuitous donations, when it is altogether false? Never.

I willingly admit that donations of land have been made to several of the States. But for these they have paid you, more than doubly paid you, by their labor and the improvement of the country. Their roads and their canals, their industry and enterprise, have more than paid you in the enhancement of the value of the public lands. As was justly and unanswerably said on yesterday by the gentleman from Ohio, [Mr. VINTON,] the roads that have been made by the people of the new States, under the greatest disadvantages; under the disadvantages of a sparse population, and of nine tenths of the country being owned by foreigners or by the Government; and the fields that have been cleared, and the improvements that have been made, have given to your lands almost all the value which they possess. Sir, it is the fearless

enterprise, the boldness and the daring of the Western man, in rescuing your lands from the savage and the beasts of the forest, that has given them value. In this they have paid you, and more than paid you, for all the donations you have made them. The difficulties incident to the settling of a new country, the Western man has met and surmounted; and after he has converted the haunts of wild beasts into abodes for civilized men, and the untamed forests into peaceful habitations, and made the country desirable and valuable by his labor, he is now to be taunted with the charge of having received exclusive benefits from his Government in the way of donations, which, if ever made, he has long since paid for.

But, sir, in the consideration of this question, I take another and a higher ground. I deny the power of this Government to make the grants contemplated by the resolutions. The gentleman, in framing his resolution, saw this difficulty before him, and has endeavored to escape it by the subterfuge of making the General Government the go-between between the States who were to receive and the power that was to make the grants. The resolution reads: "But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same." Here he attempts to make the General Government a trustee for the benefit of the States, and, in doing this, runs into the difficulty of the old question, long since settled, of dividing among the States the proceeds arising from the sales of the public lands. The gentleman, in his resolution, endeavors to occupy ground from which he can shift at pleasure, whenever it may suit his purpose. If you charge him with a proposition to give to one State lands which lie in another, he will attempt to escape from this difficulty by replying, "but the General Government is to sell the lands and pay over the proceeds." If you then charge him with a proposition, under disguise, to divide the proceeds arising from the sales of the public lands, he again replies that his resolutions were to give to the old States "such grants of the public lands, for the purposes of education, as will correspond, in a just proportion, with those heretofore made in favor of the new States." Sir, the object, the moving cause of these resolutions, is to grant away the public lands to the different States of this Union, and I shall in that way consider them.

During the revolutionary war, and immediately subsequent to it, Congress, owing to growing jealousies, and open complaints of those States which had no public domain, appealed to those which had, and besought them, for the purpose of harmony and the general good, to cede their lands to the Federal Government; and, as an inducement towards this end, Congress solemnly promised that new States should be formed out of the territory that might be ceded, and that these new States, in coming into the Union, should be as free, sovereign, and independent, as the old States. Here, sir, is a resolution on this subject, passed in October, 1780:

"*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States." Now, sir, if these States, in coming into the Union, have "the same rights of sovereignty, freedom, and independence, as the other States," what earthly power is there that can grant away to another lands lying within their limits? Such a grant would not only be against this express promise of Congress, and against the constitution of the United States, but it would be against the terms of the bond which you exacted from us. It was never contemplated in the agreements made by the States, that you should have this power; it did not enter into the understanding, it formed no part of the contract. And even had any convention been wild enough to give away this high attribute of sovereignty, the grant would have been void, because it is a power which they, about to assume the station of a free and a sovereign people, could not have parted with. It would have destroyed the object in view, and been against not only the principles of the Government, but the constitution of the country. The agreement, therefore, between the States and the Federal Government, extended only to an acknowledgment of the right of the General Government to the public domain lying within the limits of the new States, and their right to dispose of the same. The General Government, therefore, has no more right to grant away these lands to another State than they have to a foreign Power beyond the Atlantic; for, if we are free, sovereign, and independent at all, we are so to every intent and purpose, except so far as a portion of our power has been vested in the General Government for specified purposes. It was not the object of the States, in ceding these lands, that such a power should be conferred upon the General Government, nor did the General Government ever ask for these cessions upon any other considerations than those of producing harmony among the States, and of paying the debt which we had incurred by the Revolution. This is shown beyond contradiction by the resolution of Congress passed in April, 1784. I will read it:

"*Resolved*, That the same subject [that of ceding the public lands] be again presented to the attention of said States; that they be urged to consider that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as from foreigners, these several creditors have a right to expect that funds shall be provided, on which they may rely for indemnification; that Congress still think vacant territory as an important resource; and that, therefore, the said States be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the Union."

Here, sir, are the objects for which these lands were ceded, and these alone are the objects which led to the cessions. Such a monstrous and overwhelming power as that claimed by the resolutions was neither asked for nor given. The holy purposes of producing harmony in the Union, and paying the debt incurred by the Revolution, were the only considerations which prompted the States to cede their lands; and nowhere else, since the cessions were made, has this power been given; and no where can it be found, neither in the statute book, nor in the constitution, nor in the principles of the Government.

These resolutions, should they pass, would entirely revolutionize the whole land system. They would produce a new state of things, the effects of which, their bearing upon the prosperity and growth of the new States, no man can tell. No one can tell how far they would sour and irritate the feelings of the people of the new States, and impair that harmony which is the life and vigor of the Union. Already do the new States look upon your measures in relation to the public lands as rigorous and severe beyond any argument of necessity or propriety. They feel that they have been oppressed; and I would say, sir, let them not learn from your acts that this is your settled determination. It is not

wise to aggravate and bear down upon the chafed and worried spirit. We are weak, and we know it; you are strong, and we feel it. The balance of political power is against us, and you can exercise it for our advancement or destruction. Let me beseech you to listen to our voice, and not to disregard our warnings. We know what we have done for the General Government. We know what services we have rendered you, what price we have paid for all the supposed or real benefits you have conferred upon us. We know that it is the axe and the rifle of the Western man that have been the means of filling your Treasury with our gold—that it is the roads we have worked, the farms we have cleared, the improvements we have made, the mills and the bridges we have erected, that have rendered your lands valuable, and made them a source of national wealth; and we claim to be heard when the subject of disposing of the public lands is agitated. We expect that our opinions and wishes shall be respected, when we, of all others, are the most deeply interested, and must be supposed to be the best acquainted with the subject. What will be the consequences, if these resolutions, addressed to the worst passions of the human heart, should be passed? Avarice that has no sympathy, and cupidity that knows no satiety, will rule the destinies of the new States. Instead of one, as at present, we shall have seventeen or eighteen masters, who, governed by a spirit of selfishness, will overlook our most sacred rights, and check our onward march to wealth and greatness, by finding an argument for the general good in every measure which will redound to their own individual interest. What can we hope for, sir, in the way of internal improvements, in the way of liberal measures, calculated to advance us in wealth and population, when we should have to convince the judgment and obtain the consent of seventeen or eighteen masters, in relation to all measures which we know would not only promote our own prosperity, but would enhance that of the whole country?

Now, sir, at this time, we that are called free and sovereign States, and by your statute books are said to have "the same rights of sovereignty, freedom, and independence, as the other States," cannot make a road in our country without being trespassers, and subject to the penalties of your laws. Yes, Missouri, the free and sovereign State of Missouri, cannot make a road without violating the laws of this Union; for it is scarcely possible for her to make one, without running it over the public lands. Her Legislature, if desirous of engaging in the system of internal improvements, and about to construct great and important works, before she dare embark in it, although sovereign and free—yes, sir, sovereign and free, for so your statute book says, and which is responded to by the letter and spirit of the constitution—she must come here, and humbly supplicate this body to permit her to run her roads over the public lands! There is not a county tribunal in my State that does not, every time it sits, commit a trespass in the roads which they order to be laid out, and subject themselves to damages. And yet we are free and sovereign! What mockery! what insult! This is bad enough. But what could we expect, if the States of this Union were to have a direct interest in your public lands? We should be as lambs under the hands of the shearer. Our fate would be that of unhappy Poland, parcelled out and distributed, without sympathy or mercy, among those with whom power and right are convertible terms, and whose only spring of action, whose only views of justice, and whose only principle of right, is the cold and merciless principle of selfishness, which looks to no other beacon for its guide but the one which lights the pathway to its own aggrandizement.

But the gentleman who introduced these resolutions says his object is that justice, equal justice, shall be done to all the other States in relation to these lands. Sir, these things come with a bad grace from that gentleman. What right has Kentucky to make this demand? What right has she to talk of equal justice in distributing the public lands, when she is swollen with the wealth acquired from the lands that she claimed and sold within her own limits? How came she by these lands? What just right had she to the lands within her limits more than the other States? Sir, she came into this Union untrammelled; we came in bound hand and foot. The bond we gave was exacted from us under duresse. But, I ask again, what right has Kentucky to appear here with "*justice*" in her mouth, when she is gorged with unrighteous wealth acquired from lands she has sold? She has had and sold her millions of acres; and to whom did she ever propose a division? When did she ever offer to be "just?" Sir, unless the gentleman's ideas of justice are altogether one-sided, I hope he will accept as a modification the resolution which I shall offer as such. But if he will not accept it, I give notice that I will offer it as soon as an opportunity occurs. In offering it, sir, I am prompted by a sense of strict justice, and also by a principle which we act upon in the West, to fight fire with fire, when the fire has seized upon and is consuming our large and extensive prairies. When its devastating flames, in rolling volumes of terrific grandeur, are rushing upon us and about to consume all that we are worth—all that we prize as sacred and hold dear—the family hearth and the cherished home—'tis then that self-preservation teaches us to burn against the raging element. The resolution which I hold in my hand is offered upon the same principle; I ask that the Clerk may read it.

The resolution is as follows:

Resolved, That such States as have heretofore appropriated lands to their own use, whether within their own limits or not, and sold the same for their own benefit, shall, before being entitled to receive any thing contemplated by these resolutions, account to the other States for the amount of money which they have so received for the sale of such lands; and, also, for such lands as still remain unsold, at the prices for which they are respectively sold in said States.

Mr. HANNEGAN was of opinion no practical good was to be obtained by the continuance of the discussion, and moved to lay the whole subject on the table.

Mr. C. ALLAN called for the yeas and nays on that motion, which were ordered; and, being taken, were: Yeas 95, nays 99, as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean, Beaumont, Black, Bockee, Bond, Boon, Bovee, Boyd, Brown, Cambreleng, Carr, Casey, Chapman, Chapin, J. F. H. Claiborne, Cleveland, Coles, Craig, Cramer, Cushman, Davis, Dawson, Doubleday, Dromgoole, Dunlap, Efner, Fry, Fuller, Galbraith, J. Garland, R. Garland, Gillet, Grantland, Haley, J. Hall, Hamer, Hannegan, A. G. Harrison, Haynes, Holt, Howard, Hubley, Huntington, Ingham, Jarvis, Cave Johnson, H. Johnson, B. Jones, Kilgore, Lane, Lansing, Lawler, G. Lee, J. Lee, Leonard, Loyall, Lyon, A. Mann, J. Mann, W. Mason, McCarty, McLene, Miller, Morgan, Muhlenberg, Page, Parks, Patterson, F. Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Rogers, Seymour, Shields, Sickles, Smith, Storer, J. Thomson, Toucey, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Webster, Weeks, E. Whittlesey, T. T. Whittlesey, Yell—95.

NAYS—Messrs. Adams, C. Allan, H. Allen, Bailey, Bell, Borden, Bouldin, Briggs, Buchanan, Bunch, J. Calhoon, W. B. Calhoun, Carter, G. Chambers, J. Chambers, Chetwood, N. H. Claiborne, Clark, Connor, Corwin, Crane, Darlington, Deberry, Denny, Elmore, Evans, Everett, Fowler, French, Graham, Graves, Grayson, Griffin, H. Hall, Hard, Harlan, Harper, S. S. Harrison, Hiester,

Hoar, Holsey, Hopkins, Howell, Hunt, Huntsman, Ingersoll, Janes, Jenifer, Joseph Johnson, Kennon, Laporte, Lawrence, Lay, L. Lea, Lincoln, Love, S. Mason, Maury, McComas, McKay, McKennan, McKim, Milligan, Montgomery, Owens, Parker, D. J. Pearce, J. A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, Richardson, Robertson, Russell, Schenck, W. B. Shepard, A. H. Shepperd, Shinn, Slade, Sloan, Sprague, Standefer, Steele, Taliaferro, Thomas, W. Thompson, Turner, Underwood, Wagener, Washington, White, L. Williams, S. Williams, Young—99.

So the motion to lay on the table was disagreed to.

Mr. LANE obtained the floor, but gave way to

Mr. GARLAND, of Virginia, on whose motion the House proceeded to the orders of the day.

EXECUTIVE ADMINISTRATION.

The House resumed the consideration of the resolution heretofore offered by Mr. WISE, together with the pending amendment of Mr. D. J. PEARCE, providing for the appointment of a select committee to inquire into the administration of the executive departments.

Mr. ROBERTSON concluded his remarks, as given entire in preceding pages.

Mr. HANNEGAN said: No gentleman disliked more than himself to occupy the time of the House in debate; none felt more highly the value of that time to the country at a period like the present, when, as all knew it to be, the mass of business was so accumulated and immense. For this reason, his observations would be brief. It was due to himself, however, that the occasion should not pass, that the vote he intended to give on the resolution under discussion should not be recorded, without an explanation of his reasons, to go with that vote to the constituents whose generous confidence he so deeply appreciated.

Sir, (said Mr. H.,) I shall vote for the resolution, as proposed by my friend from Virginia, [Mr. WISE.] The vote, however, will not be given for the same reasons assigned a day or two since by the gentleman from South Carolina, [Mr. PICKENS,] or for those given in the main by the gentleman from Virginia who had just resumed his seat, [Mr. ROBERTSON.] So far as the latter gentleman's assignment was based upon the spirit of inquiry, or the right and power of this House to investigate fully and freely, and at any moment, the affairs of the different departments and bureaus of the Government, he concurred with him to the uttermost. It was a right upon which might emphatically be said to hang the purity of the Government and the liberties of the people; a right for the exercise of which he had ever contended, in its fullest and broadest sense, and which he could not now surrender; a power which, when denied by the Bank of the United States, and its friends on that floor and elsewhere, he should, to the last hour of his life, consider as a denial of the essential principle of popular Government.

So far, however, as the gentleman's argument concerned the existence of corruption, and the practice of abuses in the different departments, the improper or unjust exercise of executive or other official influence on the politics of the day or the recent elections, and the necessity of the proposed investigation for these purposes, he differed with him in the widest sense of the word.

Neither abuses nor corruption would, as Mr. H. believed, be found existing in any of the departments; and the fuller and more open the investigations should be, the more complete, in his opinion, would be the vindication of those against whom the charges are to be levelled. That vindication was what no correct man could feel inclined to deny, if based upon justice and innocence. Regarding them in that light, he had no fears of the consequences; and should they be found otherwise, it was due to the country, to those who had been deceived, to the venerable Chief Magistrate, against whom he believed no man had ever yet directed the charge of corruption, dishonor, or dishonesty, that the guilt should be exposed, and the guilty brought to punishment. With the honorable mover of the resolution, he was willing to go every length in pursuit of the peculator and the plunderer. The cry that such were abroad, that they were fattening on the public crib, that they were hidden in the recesses of the departments, had been resounding through the hall every day since the commencement of the present, and indeed during the greater part of the last session. The public mind was constantly turned by gentlemen here to this one theme; and it seemed to him high time that all this corruption, none of which, however, he had yet heard specified, should be looked into, probed, corrected.

There was an individual, too, connected with this business, whose name, from its frequent repetition by honorable gentlemen in their places, the very parrots themselves, had they been present, would have learned to utter ere this; an individual whom he knew in private life, and knew there without reproach, yet whose name here was daily connected with the worst practices. This individual, common justice entitled at least to trial, before condemnation. Mr. H., as every body would understand, alluded to Reuben M. Whitney, the sum and substance of the charge against whom, so far as specifications went, amounted to the fact that he was employed as an agent by some of the deposite banks, his employment as an agent of the Government being presumed solely from the appearance of his name affixed to a sign before one of the rooms in the building occupied by the Treasury Department. This fact alone might, with a jury predetermined to hang both him and Mr. Woodbury, be sufficient proof; but certainly, if no such prior determination existed, it could not be construed into proof positive of a knowledge on either part that the other existed.

Justice to this individual himself, to his family, to the country, demanded an exposé of the attitude which he occupied officially towards the Government.

To the amendment proposed by the gentleman from Rhode Island [Mr. PEARCE] he could not accede, because in so doing the appearance might be conveyed to the malicious portion of the world, that the friends of the administration had something to dread from the broad, open scrutiny proposed by the main resolution. The effect of each, even their meaning, might be substantially the same; yet, to those who felt inclined to blacken and distort, he wished no pretext furnished for the gratification of such passions. The amendment might with some plausibility be represented as an evasion of the direct question in issue; and, for his own part, throughout life he had never sought by sinuous movements the accomplishment of any object. He could not seek by indirection that which could be attained directly.

The honorable gentleman from Rhode Island had advanced, in the course of his remarks, a constitutional opinion on the powers conferred by the resolution, from which Mr. H. must beg leave to dissent—the opinion that the resolution would violate the article in the amendments to the constitution protecting the people against unreasonable searches and seizures. To that article, in the opinion of Mr. H., but one meaning could be attached, and that so simple and plain that a misunderstanding was impossible. It applied to the people generally, in the capacity of citizens, and related only to their personal and private affairs. The contents of the executive departments were literally the property of Congress, by whose act, as the agent of the people, every thing they

contained could be thrown open, and exposed to public investigation.

In replying to some of the remarks that had fallen from the gentleman from South Carolina, [Mr. PICKENS,] he could not forbear to say, that however erroneous he might consider that gentleman's opinions, or whatever difference of sentiment existed between them on political subjects, there was a manliness in his tone, a fearlessness in his expression, that must command respect, even where it failed to produce conviction. He was glad to hear the explanation given by that honorable gentleman to the gentleman from Virginia [Mr. ROBERTSON] of the denunciation, or rather the declaration of uncompromising war, which he had also understood him to make against the coming administration. He was rejoiced at it, for even at the time of the expression from which he had drawn the inference, it was regarded in his mind as an expression springing from the heat of the moment, in the excitement of debate, and not as the settled purpose of his heart.

The gentleman from South Carolina, in deploring what he conceives to be the fallen condition of the country, has alluded to the condition of this House, as affording ample proofs of the approaches making to despotism; the fact that the party supporting the administration has had the ascendency here, and that their measures have been contrary to that gentleman's notions of correct policy, he has ascribed to a feeling of servility on the part of the majority towards the Executive. In his own language, the House, for the last four years, has been used as a mere registry for the royal edicts. That is, for the last four years, the majority here have done nothing but obey the will and study the wish of the President. Sir, let us inquire how far the facts sustain this broad assertion. Without enumerating the many instances in which bills, particularly those covering appropriations, have passed both this body and the other during the period mentioned, and to some of which the President, as is well known, has reluctantly affixed his signature, to others has absolutely denied his assent; without the history of all these, if the gentleman will but look back to the last session, he will find a case strong enough to convince all of the jaundiced view he has taken in this instance. The case referred to is the deposite act; a measure second in its importance only to the recharter of the United States Bank, and which, by an overwhelming majority, passed both Houses at the last session.

Had this body been such as the gentleman would describe, holding the hall as a mere registry of the royal edicts, that bill never could have become a law; for, as all knew, the President's opinions were openly adverse to the principles of that bill; and but for the amendment of this House to the bill of the Senate, by which the constitutional objection was removed, it never would have received his signature. The removal of this objection, although sufficient to avoid all collision with that high instrument, did not by any means vary the substantial principles of the bill; they still remained, and the President's opposition to the policy thus temporarily about to be established was no secret here, either with friends or foes. Yet, after all, what was the result? It was, sir, that more than three fourths of his most decided friends in this House voted for the bill, and sustained it in every stage. Mr. H. said he would not have alluded to this particular instance, or attempted any defence of the party with which he acted, against this charge of the gentleman from South Carolina, but for the striking refutation it gave to all charges of the kind, charges of subserviency to executive will, against those who believed that Executive not immaculate, but who did believe him honest, wise, and patriotic; striving to serve his country and to preserve the purity of her institutions; and who, so believing, had sustained his measures, and stood to his support when menaced by an insulting foe from abroad, or when threatened by the insidious power of a far more dangerous enemy at home; the power of a serpent nursed to terrible maturity in the very bosom of the people, who learned, almost too late, the venom and the poison which lay hid beneath the quiet and beautiful surface.

Mr. H. said, throughout the period of this session, there was one thing he had observed with pain; a course which he believed had no precedent in the past history of the country, and the memory of which he hoped might be buried forever at the termination of this Congress. He alluded to the fact of the determined spirit of animosity, the same relentless opposition which, during the past seven years, had been exhibited in the House against the President, continuing to evince itself up to the hour when he was retiring finally from the public stage. Whatever might have been the rancor of party, he believed, from all the information he had, that the last session of an Executive had hitherto been permitted to pass, if not entirely in calmness and peace, shorn, at least, of the virulence and rancor of cherished hate. He presumed not to be a conscience-keeper for others, nor would he dictate any man's course; but were he now the enemy of the venerable man who had so long occupied a distinguished place in the eyes of his own country and the world, he could not find it in his heart, at this period, to imbitter a single breath of his allotted existence. Whatever feelings of hostility he might have cherished against the Executive himself, the policy and propriety of his administration, he would at this hour stand silently by, and permit the curtain to drop quietly and decently over the last scene. What, he asked, was that scene, and who the great actor that the curtain was about to fall upon? It was the last retiring view which the world could have of a man whose eventful life had furnished a whole, a heavy volume for the history of his country; of a man whose imperishable deeds were to be written in other languages, and read in other tongues, and never read in any land, under any sky where human liberty had a votary, without the heartfelt tribute of glowing admiration; a man upon whom his country, almost with acclamation, had delighted to bestow the highest honors of the State, and who wore those honors as became them both, his only aim her glory, her prosperity, her happiness, her liberty.

Let the records of his renown be sought where they may, whether emanating from the closet or achieved in the field, they will be found alike stamped with the impress of a mighty mind, a patriotic and devoted heart. No matter in what manner he may be talked of here, what obloquy may be cast upon his acts, it will turn to nothing in the end. The glories of New Orleans, of Talladega, of the Horseshoe, cannot be stricken from the annals of American history. Posterity will read; and, in aftertimes, when patriots war for liberty, amid the strife, the hurry, and the carnage, the name of Andrew Jackson shall be the talisman,

> "To stir the hearts of men
> As though 'twere the battle drum."

Long hence, when the rank grass shall have grown, and withered again and again, over the whole "animated warm motion" now filling this hall, when perhaps none will be found to tell where most of us lie; in this very hall, if liberty and union remain, the name he had just uttered would be heard resounding, as the preserver, in a trying hour, of his country's political freedom and the pure principles of her constitution.

Mr. H. said he was not speaking with a courtier's tongue, for such a language he had yet to learn, or such a feeling to cherish, towards created man. It was not the part he had played in his intercourse with the President; but whenever, as had sometimes been the case, a

difference of opinion existed between them on subjects in which he himself had felt an interest, his own opinions had been spoken to the President promptly and warmly, it might be at times too warmly for the disparity of years. In speaking of the Executive now, he had spoken of him as one about to be numbered with the past; as one with whom his own age was on the eve of exchanging mournful adieus, and upon whose ear the voice alike of flattery and of friendship, of low detraction and of manly enmity, would soon fall with the same heavy, cold, senseless effect.

From first to last, since his entry into the hall, he had sat and silently heard the President denounced as a tyrant, branded, almost in the same breath, with the opposite epithets of usurper and dotard. Fortunately the feelings which inspired such language could not be communicated to posterity; they would sink into the same grave, they would lie buried in the same oblivion, assigned to most of those who cherished them.

History, in her long drawn gallery, will present to coming time no portrait that can occupy a higher place than his who in life has been so traduced—none that shall stand forth in more simple, beautiful, living relief.

The gentleman from South Carolina, in the course of his remarks, had drawn a comparison, as Mr. H. understood him at the time, between the President and the Roman Sylla and Marius, and the English Cromwell—between Andrew Jackson and the cold, cruel, fanatical Cromwell! the usurper, who rushed undismayed over the rights and liberties of the very people to whom he owed every thing save his existence, to seize upon a blood-stained protectorate.

[Mr. PICKENS here asked the floor, which was yielded, and then stated that the application of his remarks had been misunderstood by Mr. H.; that his intention was not to institute the comparisons as supposed; that, in his remarks referring to the tribunes of the Roman people, and not to Sylla and Marius, as Mr. H. supposed, and in his reference to the course and character of Oliver Cromwell, he had simply meant to be understood as comparing the condition of our country with theirs; and our downward course to the same despotism, should we, under the coming administration, find that the fundamental principles of the constitution had been undermined, by a precedent established of executive interference in the successorship.]

Mr. H. continued. He was gratified to be informed of his misunderstanding of the gentleman's allusion. In support of the fundamental principles of the constitution, that gentleman could not go further than he was willing to go. There was no sacrifice he would not be proud to make, no tie he would not freely sever, to preserve from violation that sacred charter. As to the character of Mr. Van Buren's administration, not having the gift of prescience, it was impossible for him to say what might be its results. He looked forward, however, with perfect confidence, to a continuance of the principles upon which the Government was now administered, and felt satisfied that, in this expectation, there would be no disappointment. That violence could be offered, that a blow could be inflicted upon the fundamental principles of the constitution by the present head of the Government, was a state of things which he could not conceive within the range of possibility. It would argue an unhallowed love of power, and a misapprehension or a hatred of the free institutions of his native soil, in the bosom of the man. Is it, he would ask, likely that such feelings could now tenant the heart of Andrew Jackson? He would let the terms in which his friend from Tennessee [Mr. PEYTON] had spoken of the President, a few days back, answer the question. He alluded to the interview described by his friend between the President and one of the Tennessee Senators. Was he planning schemes of power for himself or another, then? Was their talk of treason or unholy stratagem? No, sir, no; the gentleman from Tennessee told us it was of the grave—of dying—of his loved Hermitage, which he wished once more to see, and where he hoped his eyes might close. Can it be that such a man, after having toiled in the cause of liberty his whole life, should, when the grave and all its mysteries are drawing nigh, seek, as the last act of a glorious career, to impair the principles for which in boyhood he bled; the institutions which in riper years he aided to strengthen and perfect; and the free Government which, in the full maturity of manhood, he triumphantly sustained? Let it not be borne upon the winds; before such things can exist, the moral order of nature must be reversed.

When Mr. HANNEGAN had concluded,

Mr. HAMER rose and addressed the Chair as follows:

Mr. Speaker: It is a fact well known to every gentleman who has been an observer of the signs of the times for a few years past, that the speeches delivered here have considerable effect upon the public mind. It is right that they should. The members sent here are presumed to have some knowledge of the nature of our Government, of the interests of the country, and of the manner in which the Government is administered. What they publicly declare, under such circumstances, in their places, under official and personal responsibilities, deserves to have an influence upon their own immediate constituents and upon the public at large.

For three years past, I have frequently listened to speeches, made by gentlemen in the opposition, which I thought, at the time, deserved replies. Others thought differently, and they were permitted to pass unnoticed. Some of these speeches contained the slang and falsehoods of letter-writers and unprincipled editors, polished and endorsed by the orator, and sent out to poison and mislead the public mind with regard to those who are in power.

Some of us have thought we ought not to answer them, because it would occupy too much time. It was believed that we ought to transact the public business, and go home. I am as much opposed to the long desultory debates that occur here, involving the presidential and every other question before the country, as any one else. We carry these things so far that it has been remarked by more than one intelligent citizen that the House of Representatives was becoming a mere debating society—a club for the discussion of political questions. My opinion is, that we ought first to transact the public business, and then, if we have time to spare, let us debate these topics. The affairs of our constituents should be first attended to. It was for that they sent us here, and, when the duty is discharged, it is time enough to engage in making political harangues. But, instead of this, we waste the commencement and the middle of the session--nay, almost the whole period--with such debates; and, near the close of it, take up and pass some fifty or a hundred bills, decapitate a hundred more without much examination, and then adjourn. This, in my estimation, is all wrong. But what is to be gained by our remaining silent? If we do not debate, the opposition will. The time is consumed, and the vocabulary of our language ransacked for opprobrious epithets, to be heaped upon the Executive, upon this House, and upon the constituents who sustain both. Corruption, fraud, tyrant, usurper, slaves, are familiar terms here.

These charges are made day after day, and remain uncontradicted, to go out to the country and circulate among the people. Are these charges true or false? That "silence gives consent" is an old maxim, which has much truth in it. The frequent repetition of these charges by the opposition, and the silence of the friends of the administration, will induce some portion of the

country to believe them. If they are true, we ought to admit them; if not, we should pronounce them false. So far as I know or believe, they are false, and I therefore pronounce them so before the country.

No one word is heard oftener in our debates here than the word "party!" The opposition gentlemen seem to be peculiarly fond of it. They are constantly appealing to us to disregard party considerations, and go for the country.

There are parties in all free Governments. They arise from a difference of opinion among men in regard to the policy to be pursued by those who are intrusted with the administration of public affairs. Candidates, holding to opposite principles, present themselves for public favor, and the people decide between them. In other countries, especially in England, one party is said to be out of power, and the other in, as the one or the other may happen to be successful. It was formerly so here. At one time the federal party was in power, and at another time the republican or democratic party. But for a few years past a different mode of expression has been adopted. The opposition claim to be "the country," and denounce us as "a party!" We, who have been in power for eight years; we, who elect the President and sustain him and his administration, by the votes of a large majority of the American people; we, forsooth, are "a party," whilst a minority, struggling in vain to obtain the control of the Government, impudently claim to be the country!

Now, there never can be a universal concurrence of opinion with respect to public men and public measures; and when the question has been fairly presented to the people, and a majority decide either one way or the other, that decision is virtually the voice of the country. Such a decision has been made. It was announced in 1828, and has remained unreversed until this time. We are the country, and have been during all that period. If there are either "parties" or "factions" in the case, they are to be found among those who manifest violent and persevering opposition to the will of the majority—a will so distinctly and repeatedly expressed by the sovereign people of the United States.

I have no disposition to fight the presidential campaign over again upon this floor; to imitate the old soldier, who shouldered his crutch, and showed how fields were won. But as reviewing seems to be the order of the day, and it has become very unfashionable to speak to the subject before the House, I will look back to some of the topics which have been introduced into this debate, as well as others that have taken place here.

It has been quite common for the last three years to hear the President pronounced a usurper and a tyrant. Grecian, Roman, and English history have all been put in requisition, and carefully examined, from beginning to end, for the purpose of finding parallels and illustrations of his cruelty, tyranny, and usurpation. It is an easy matter to make these comparisons, and to call hard names. It requires very little talent and less reading. But gentlemen should remember that declamation is not argument; and that assertion is not proof. If these parallels are just, it must be within the power of those who use them to point to the facts which render the President obnoxious to the charges preferred against him. Why are they not given? In what particular has he violated either law or constitution? Let them name the instance, and give us the circumstances. General, indiscriminate condemnation will not satisfy the American people. When the cases are specified, it will be matter for investigation and argument whether they sustain the accusations so confidently made by his antagonists. Until then, I, for one, shall consider it as mere idle declamation.

I do not stand here to pronounce a eulogium upon the President. His acts are before his country, and they have already, in the presence of his accusers, rendered a verdict of unqualified approbation upon his public career. What motive can he have to infringe upon the liberties of his fellow-citizens, or to overturn the constitution of his country? None. His countrymen have conferred upon him every favor in their gift, and he has attained the highest station which human power can bestow. From that station he is about to retire, leaving his country happy and prosperous beyond example, and attended by the benedictions of a just and grateful people.

But I will not enter upon his defence. If I were inclined to do so, under other circumstances, I have been saved the necessity of discharging this duty by the able and eloquent speech of my friend from Indiana, [Mr. HANNEGAN,] who has just taken his seat. He has treated this subject so much more ably than I could hope to do, that I will not attempt to tread upon the ground he has already occupied.

Can any one fail to see why it is that these unfounded charges are so often repeated? Those who have studied the nature of the human mind are aware of the influence made upon it by repeated blows, followed up from time to time with untiring perseverance. This everlasting hammering in the same place will ultimately produce its effect upon the hardest material; and assaults made upon individual character, whether public or private, from day to day, for a series of years, if uncontradicted, will finally gain credence even among a man's friends. This is the secret of the merciless warfare which has been carried on against President Jackson.

Another fruitful topic of discussion with the opposition is the inconsistency of the President and his friends in regard to the great questions of policy that have been agitated before the country for some years past. The gentleman from Virginia [Mr. ROBERTSON] has adverted to this contrariety of opinion.

[Mr. ROBERTSON arose, and said that the gentleman from Ohio had misapprehended him. He did not speak of the differences of principle among the friends of the administration. He had said nothing of the terrible federalists they had in their ranks, nor of the discordant materials that composed their party; but he had attempted to show that the President was inconsistent with himself; that, from his own acts and communications, he might be claimed as the friend or enemy of the tariff, internal improvements, the bank, &c.]

Mr. H. said he accepted the gentleman's statement with pleasure; he had no doubt misapprehended the tenor of his observations. But he would tell the gentleman that, with regard to "terrible federalists," if he wanted to find them of the real black-cockade stamp of 1800, he might readily do so, and that in great numbers, among his own political associates. He believed the gentleman had never belonged to that school; but there were many of them among those who co-operated with him against the administration. The old black-cockade party, and their regular descendants and successors, who held the same doctrines, formed no small portion of the opposition. Look, said he, at Massachusetts, so highly complimented the other day by the honorable gentleman from South Carolina, [Mr. PICKENS,] and you may there see on what side the remnant of the old federalists of 1798 are to be found.

On this subject of the tariff, as well as upon several others, there is an old proverb which I can recommend to the consideration of gentlemen in the opposition. I know it is said by Lord Chesterfield and others to be rather vulgar to quote proverbs, but I confess I like them. Proverbs are usually the result of the accumulated experience of successive generations of men. In nineteen cases out of twenty they are true. It is their truth which preserves them; if false, they would be forgotten. The one to which I allude is, that "those who live in glass houses ought not to throw stones."

Do we differ in regard to the doctrine of a protective tariff? Pray, what are the sentiments of the opposition upon this subject? Have they any principle in common with regard to protection? What is it? Ask the nullifiers, the people of what is called (and I think she has earned the title here, if nowhere else) the gallant little State of South Carolina. Why, sir, it is but a short time since they were willing to peril every thing, union itself, rather than submit to a protective tariff—to a "bill of abominations." They deny the power of Congress to pass any such law, and hold all such enactments to be open violations of the constitution. But what say the opposition in the North and West? What are the sentiments of the "American system" men on this subject? They believe that the Federal Government not only has the authority to pass such laws, but that it is a solemn duty we owe our country to afford them this protection. These are the gentlemen who are so grievously offended at the want of consistency among the friends of the administration!

How is it in respect to internal improvements under the authority of the General Government? Here there is a like inconsistency amongst our political opponents. In the South and Southwest, the power to construct roads and canals is most strenuously denied; but in the North and West it is almost universally claimed and conceded. It is with one portion of the country a most radical error to attempt the exercise of this authority, whilst in another region it is a part of the constitutional duty of the functionaries here to make large appropriations for this purpose. What a delightful harmony there would be among such gentlemen, if they were in power, and had control of the finances of the country! What discussions we should hear among themselves upon the constitutionality and wisdom of such appropriations! It would be the music of the spheres; a concord of sweet sounds. Their President would have no difficulty whatever in adopting a line of policy which would receive the unanimous support of all his party.

Another very important subject involved in the political contests of the last three or four years is the Bank of the United States. What are the sentiments of the opposition with regard to this institution? As variant as the colors of the rainbow. The strict constructionists in the South deny the power of Congress to create such a corporation. Some hold that, if they had the power, it would be inexpedient to exercise it; and others that it would be excellent policy to create a bank with proper limitations. Another class believe the power exists, but that its exertion would be dangerous to public liberty; whilst the real "Simon Pure," thorough-going bankites, not only claim the authority, but insist that such a bank is indispensably necessary, as a great balance-wheel to regulate the currency and control the fiscal operations of the country. These are the men who are never weary in the discharge of their duty. They go about day and night, crying "distress, ruin, bankruptcy, and wretchedness;" to alarm and terrify the people with supposed dangers just before them, which are, in fact, never to be realized. No man can receive their votes for President, unless they believe he will lend his influence to the establishment of a great national bank. This is, with them, "the very bottom and the soul of hope." Which side would prevail in the new administration? Would the Executive be for a bank or against it? No mortal man can solve this problem. Not a man in the opposition will attempt to answer the question.

Again, sir, we are told that the present Executive came into power under pledges to produce important reforms; that "retrenchment and reform" was the motto of the party who elected him; and that the "reforms" have not been made. Pray, what are the reforms which deserve our attention? Are there any useless offices that ought to be abolished? If so, name them. Does any officer receive too large a compensation? Let us know it. Are there any changes necessary in the organization of the departments, or in the laws regulating the action of particular bureaus? Point them out. I will go heart and hand with any gentleman for whatever is proper to be done in regard to these matters, and I dare say there will be a general co-operation on the part of my political friends in so laudable an undertaking. Let gentlemen either propose something as proper to be done, let them at least point out the evil, or cease their everlasting clamor about the violation of pledges on our part. How can reforms be made where every thing is already perfect? What surgeon amputates a sound limb? Who administers medicine to a person in the vigor of manhood, and perfectly free from disease? If there be either wound or blemish in the system, let it be made known; and we, who possess the law-making power, should forthwith provide a remedy.

"Proscription" is one of the topics upon which the opposition delight to expatiate. It is of two kinds, according to their account of it: first of public officers, and secondly of the minority as a mass. As to the first, it is said that all are removed who are not of the dominant party: that none can be appointed who are not of the same faith; and that the road to honor and emolument is thus closed up to the minority entirely. A more unfounded charge than this was never made against any party of men since the world began. Why, sir, a majority of the offices in this city, held under the Executive of the United States, are now, and have been for eight years, in the hands of opposition men. Whilst this charge is repeated here from day to day, and reiterated by political partisans from one end of the continent to the other, the opposition clerks are quietly receiving their salaries in the different departments, receiving and holding their respective appointments from the President of the United States and the members of his cabinet!

Is it otherwise in regard to the post offices? I know that in my region of country a large majority of the offices are in the hands of the opposition. I believe it is so throughout the United States, if we take the whole number of offices connected with that department. So you may find hundreds in the custom-houses of the same political faith, enjoying the favor of this administration. What becomes of the charge, then, that no one can hold office but a democrat? It vanishes before the sunlight of truth, leaving not a trace upon the surface where it so lately rested.

The proscription of the minority *en masse* is a subject I have never been able to comprehend. How are they proscribed? Do they not enjoy all the rights and immunities guarantied to other citizens? Have they been disfranchised? What privilege has been taken away? Are not the courts open to them for redress of their grievances? Are not their persons, reputations, and property, protected by law like those of other citizens? If so, of what do they complain? Why, they cannot get office!

This brings me to the consideration of the 100,000 office-holders, who are said to have been sustaining the administration for some time past, and to have conducted the campaign in favor of Mr. Van Buren. I can remember when I believed there was something in this story about the office-holders sustaining Mr. Van Buren, and being his principal supporters. It was asserted in that bold and confident tone which we so frequently listen to here, and I took it for granted gentlemen would not say so in that manner, unless it was well established. I have been deceived in that way more than once. Gentlemen rise and tell us that the South will do this, and the North will not do that, in a tone of authority that leads a young man, inexperienced in the ways of the Capitol, to be-

lieve they are authorized to speak for the whole scope of country indicated in their remarks. It is not so. I am older now, and understand these things. I have been behind the curtain here, which excludes our doings from the eyes of the American people; and when I hear and see these things, I attach just so much weight to them as they deserve. Such asseverations are often made by gentlemen who, no doubt, believe them to be true, but who know no more about it than I do. Experience has shown that, in more than one instance, they were mistaken.

Gentlemen seem to forget that, besides these offices held under the Federal Government, there are more than a hundred thousand held under the State Governments. Indeed, to make up the number of a hundred thousand under the former, I believe they count the army and navy of the United States, and all the pensioners! By what authority are they set down as friends of the administration? Who asserts that these men, who receive the sums paid to them under the law, and not by the favor of the Executive, are less free than their fellow-citizens? How are they dependent on the President for support? They are no more so than any other citizen of the country. But suppose what is said of them to be true, we all know that the State, county, city, town, and township officers exercise much more influence over the public mind than they do. Who has most influence over his neighbors, the sheriff of the county, the associate judges, where there are such officers, or a postmaster in some little town? The former, unquestionably. And, pray, who holds these offices in all the States, counties, and towns, in which the opposition have the political power? Their friends, in almost every instance. In what places do they vote for democrats, in preference to men of their own party? In none that have come within the range of my observation. Have they any right to complain that we prefer our friends to our enemies, (and that is the proscription of which they complain,) when they do the very same thing themselves? They vote against men, and thus "proscribe them for opinion's sake." They will not allow them to hold office; and the only reason assigned is, that they do not like their political opinions. All parties do this. It is in the nature of man to sustain his friends, and to rally around those who agree with him in sentiment.

We are charged with being influenced by the "spoils," and with relying upon them to insure our success. By "spoils" they mean either office or money. In regard to the former, the opposition claim a remarkable share of disinterested patriotism. If we believe their account of it, they have a great aversion to office; and yet, when did they ever let a good one pass by without grasping at it? I can imagine I almost see their "mouths water" sometimes for a taste of the "Treasury pap!"

If it had so happened that Mr. Van Buren had not received quite votes enough to elect him, and the three highest candidates had come before the House for our decision, we should have had great difficulty in arriving at a conclusion. There would have been no intrigue or bargain, of course! But when all the difficulties had been surmounted, as they no doubt would have been, and an opposition man elected, then we should have seen the beginning of troubles. What would have been the policy of his administration no man living can tell. His supporters would have been of all political creeds and complexions under heaven; as opposite to each other as the poles, and wholly irreconcileable. He could not have pleased one set of them without displeasing the others; and if he had compromised, and gone sometimes a little with one side, and then leaned a little to the other, he would have been doing precisely what they charge upon General Jackson, and would therefore have displeased them all!

But this is not the grand difficulty. We are told that professions and practice ought to go together. Now, the opposition profess to believe that our friends who are in office are unworthy to remain there; so they should be turned out forthwith. Again, they profess to have a mortal hatred for office-holders; and, of course, none of them would be willing to fill the vacancies! Here would be one of the greatest calamities that ever befel a free people—all the offices of the country vacant, and no one to fill them! One portion of the country would be too bad, and the other too good, to have any thing to do with public office, honor, or emolument!

But upon the subject of money, of mercenary motives and influences, who has shown the strongest inclination to resort to such means to control public sentiment? Who are the friends of banks, of the Bank of the United States? Who are willing to sell extraordinary privileges for bonuses payable in money? Who are the supporters of land bills and distribution bills? I do not speak of the deposite bill of the last session. That was sustained by a majority of my own political friends, driven to it, in some measure, by the force of circumstances, which they could not fully control; but I allude to a permanent system, by which money for which the Government has no use is to be drawn from the pockets of the people; and, after paying four or five sets of public men for collecting it, for legislating upon the subject, and for distributing it again, we return to the State Governments the balance, to be expended in such manner as they may direct. The General Government has no right to do this—it is a fraud upon the people. The revenue should be cut down so as to meet the wants of the Government, and nothing more; leaving all the fruits of individual industry beyond that in the people's pockets, to be disposed of as each man may think proper. Such is the democratic doctrine; but the opposition will not go for this.

The indications have been already given to the country. There is to be a coalition between a portion of the South and the manufacturing interests of the North. The preservation of the "public faith" is to be the pretext for collecting a surplus. The "compromise bill" is said to have pledged the public faith! What an absurdity is this! Sir, I would regard a violation of the faith of the nation with as much horror as any gentleman in or out of this House. A nation without faith is like an individual whose reputation has been totally destroyed; they are both very properly excluded from all honorable associations. But how has public faith been pledged in this case? Can two or three prominent members of Congress make an arrangement, and obtain the passage of a law which is to bind all posterity? Have they any more power than their successors; and, if so, whence did they obtain it? The idea is preposterous. If they could bind us for ten years, they can do so for fifty or a hundred; and what becomes of popular liberty? The "compromise act" is of no more authority than any other law of Congress, and can be repealed or modified at any time we may think proper. It will be sustained, however, I have no doubt, and an enormous amount of taxes thus levied upon the people, to be divided out again; keeping up swarms of unnecessary officers, and enriching one portion of the community at the expense of another. The money is never returned to the men who earned it.

Again: it is charged upon this administration that it has increased the annual expenditures to a large amount. Why do not gentlemen have the candor to tell the people the cause of this increase? It is to be found in the increased population, offices, and wants of the Government; in the appropriations for various national objects, fortifications, navy, &c. The removal of the Indian tribes west of the Mississippi, the purchase of their

lands, and the wars we have had with them, are some of the principal items. Has there been any unnecessary expenditure? If so, point it out. Let us know what it is; and then we will ask ourselves why we appropriated the money.

So of the corruption of which we hear so much. In what does it consist? Who has been guilty of it? In what department or bureau is it to be found? What is its character? General charges are easily made; but they are too indefinite. Let gentlemen assume the responsibility of making a distinct charge. In private life, if one man instigates a prosecution against another for an offence, and it turns out, upon investigation, that there is no foundation for it, and not even a probable cause for its commencement, the prosecutor is liable to an action of damages for the injury done to individual reputation. Are the characters of public men less valuable to them than those of private citizens? Are they not equally under the protection of the law? True, the prosecutor here might not be liable to an action; but if there should turn out to be neither ground for the charge, nor good reason for instituting the inquiry, public sentiment would render that justice to all concerned that is administered in the other case by the Judiciary of the country.

If any gentleman will rise in his place, and state that he has good reason to believe, from information upon which he can rely, that fraud and corruption do exist in a particular department, either naming his informant or stating that it is improper to name him, I, for one, will vote for a committee, with ample powers to make a thorough investigation. If one committee is not enough, I will vote for more—for as many as are necessary to develop the true condition of the public offices, and to expose all the defaulters who may be found in them. This, I think, ought to satisfy the most fastidious.

This House has been assailed. It has been denominated a mere "bed of justice, to register the decrees of royalty!" It seems that we sit here, without any opinions of our own, merely to register the edicts of the President! What is the pretext for this charge? Why, forsooth, we agree in sentiment with the President, and therefore sustain his measures! Was ever argument more futile? Who elected the President? The people. Who elected the members of this House? The same people. Do they not vote for both because they approve of their political opinions? Undoubtedly. Are not the President and the majority of the members of this House of the same political party? Is it strange that they should agree in regard to great leading measures of policy? Who would anticipate any thing else than an agreement? I desire to speak respectfully of arguments advanced here, and will therefore not say that this is childish, but really it is one of the strangest specimens of parliamentary logic that I have ever heard.

Pray, who rules the opposition? Whose edicts do they register? Do they sit here to register the edicts of a distinguished gentleman from Kentucky, of another from Massachusetts, and of a third from South Carolina? If not, how does it happen that they agree so cordially and entirely with the three great leaders in all their political opinions? The fact cannot be denied that this agreement does exist; and if the argument is good with respect to us, it applies equally to the opposition. If we are the President's "slaves," they are "slaves" to the opposition leaders.

The President, it it said, is popular; that he rules the country and guides public sentiment by the aid of this personal popularity. What a lame and impotent conclusion! True, he is popular, but it is because he deserves to be so, from his eminent talents, his democratic principles, and his faithful and extraordinary public services. If other gentlemen wish to be popular, let them pursue his footsteps, adopt his principles, and render such services, and then they will attain the object of their wishes. The people of this country have but one desire in regard to public affairs—it is to see their Government well administered. They elected Andrew Jackson because they believed he would thus administer the Government, and they have not been disappointed.

Who is it that complains of him? They are the men who told us, in 1824 and in 1828, that if Jackson succeeded the country would be ruined; the men who told us the same thing in 1832; men who invoke war, pestilence, and famine, rather than devotion to military glory; but who, during the late campaign, huzzaed for military chieftains louder than ever we did at any period. They are now endeavoring to convince us that they were right; that we have been ruined; and that all their predictions have been verified. Do they think we will believe their declamation in opposition to the evidence of our own senses? When was this country ever more happy and prosperous than at this moment? Never since the Government was first organized. The laboring classes of the community—the farmer, the planter, the mechanic, the manufacturer—are all growing rich. Land, and all its products, bear a higher price than they have for many years; yet gentlemen will have it that we are ruined. The laws protect every man in the enjoyment of all his rights—personal liberty, personal security, and private property; in all his immunities and privileges—religious, civil, and political; still gentlemen insist that we are ruined. Sir, the people will not believe them. When they feel themselves happy at home, and learn from every intelligent American, of every party, that our country now stands higher abroad, on account of the manner in which our intercourse has been conducted by this administration with foreign nations (France included) than it ever did in any former period, they will not believe any man who asserts that they have been injured by those who have held the reins of power for the last eight years.

[Here Mr. H. gave way to Mr. ANTHONY, on whose motion the House adjourned. The subject did not come up again until the following Tuesday, when Mr. H. concluded his remarks, as follows:]

Before I resume the thread of my discourse, I must submit a few observations with regard to what fell from me the other day, when I addressed the House. I know how easy it is for what is said here to be misunderstood and misrepresented; and it appears that my positions have been greatly misunderstood by some who heard me.

It is said that I demanded specific charges of fraud before I would vote for a committee of inquiry. Not so, sir; I require some gentleman to assume the responsibility of pointing to the department, bureau, or office, where the fraud is to be found, and of asserting in his place that he has good reasons for believing it exists. Then I will vote promptly for an investigation.

Sir, I have been understood to say that those now in power are not a party. I said no such thing. The country is divided into parties, and perhaps always will be; and one of those parties is now in power. What I complain of is, that the opposition, who are in a minority, and have been for years, should arrogantly claim that they are the country, and we but a party. I insist that, if any party can be called "the country," it is ours; for in a free country the voice of the majority is virtually the voice of the country.

Again, sir, I stated that I had been behind the curtain since I came here, and had been undeceived with regard to many operations of public men. I directly referred to this House, and to the schemes and plans concocted and carried into execution by those who oppose the administration. I spoke of the curtain which conceals us

from the scrutiny of the people who are at home, and who are often imposed upon most shamefully by what is put forth from this "ten miles square." For example, how often do we see an account given by a letter-writer of the speeches made here, which is a tissue of misrepresentation from beginning to end? A friend of the administration rises, perhaps, and makes a speech. That is put down as a feeble effort; contradictory, illogical, and all that. Then an opposition gentleman arose, and he literally flayed the other alive. Poor fellow, he looked as if he would sink through the floor. The writer almost fancied he could hear him groan audibly, such was the agony he felt and manifested. Now, those of us who are here "behind the curtain" understand all this; and the people at home are beginning to understand it too, though for a long time they did not. We know that these men are paid to abuse one side and praise the other, and that they are merely laboring in their vocation.

It has been alleged that I justified the President's inconsistency by charging like conduct upon his opponents. I did not undertake to argue that point at all; but I take occasion now to deny that the inconsistencies charged upon him do exist in point of fact.

So of the proscription and patronage, which furnish themes of endless declamation: I am understood to justify the one and to disregard the other, because of the existence of the same things in the States where the opposition have the power.

[Here Mr. Pickens rose and inquired if Mr. H. meant to include South Carolina. To which Mr. H. replied in the affirmative. Mr. P. stated that the gentleman's information was incorrect; for the dominant party there had not proscribed and removed their political opponents. Mr. P. made a similar statement in regard to Massachusetts.]

Mr. H. then proceeded. I am glad to hear that our opponents are so liberal in South Carolina and Massachusetts. But the gentlemen have not given to the term *proscription* the same meaning that I do. It means, in plain English, as I understand it, a preference of our friends to our enemies. This preference exists in all parties, and is right in itself. Qualifications being equal, or nearly so, I would always prefer my friend to my political antagonist. No party has ever shown a more rigid adherence to this principle than the various parties opposed to the administration; and I believe it is so in both South Carolina and Massachusetts. We see very few Jackson men in Congress from either of those States, and that alone proves what I say. Removals cannot take place where there is nobody to remove; and I presume there were but few of them in office in either State.

As to removals from office, it is enough for me to repeat that the charges against the Executive are not sustained by the facts; and I appeal to the departments in this city, and to the post offices throughout the Union, to prove the unjustness of the imputation that men are removed merely on account of their political sentiments.

When we show that the opposition prefer men of their own party to others, we may then fairly and properly ask, what would the people gain upon this point by turning out the dominant party and putting in their opponents? When the raven chides blackness, is it not fair to point to the color of his own plumage? If "Satan undertakes to reprove sin," is it not well to remind him that his own moral character does not stand very fair in the community? And if politicians make furious charges against their opponents, may we not remind them that they are guilty of the very same thing themselves which they charge upon others?

Having said thus much in explanation, I will now proceed with my discourse. When we adjourned the other day, I was remarking that the nation had approved of the conduct of the present Executive. The late elections prove that beyond all dispute. A successor has been elected by a large majority, who has been associated with the Executive for many years; who approves of his leading measures, and is pledged to carry out his policy. The gentleman from Virginia, [Mr. Wise,] who I regret to see is not in his seat, particularly as I understand he is detained from it by the illness of his family, told us the other day that he was advocating the cause of the people, and did not wish to be understood as assailing the President. That gentleman and several others have been advocating the cause of the people in the same way for years; yet, whenever the people come to the polls, they uniformly decide against their own advocates, and in favor of Andrew Jackson! This proves their approbation of his principles and policy.

I do not stand here to eulogize the President, but this much I will say: when the passions which enter into party conflicts in this country shall have subsided, when the prejudices created by such controversies shall have passed away, then, and not till then, will justice be done to the fame and character of Andrew Jackson. And when his enemies shall have floated down the stream of time into that oblivion which is the inevitable destiny of almost their whole number, his memory will survive and flourish in the hearts of a just, a grateful, and an intelligent people.

The history of America up to this period will present three Presidents standing out boldly upon her pages as great public benefactors. They are—George Washington, who harmonized the conflicting elements, and put our Government in motion; Thomas Jefferson, who arrested it in its downhill career towards monarchy, and restored it to its pristine purity; and Andrew Jackson, who gave it the "republican tack," brought it back to the point where Jefferson left it, and where it ought always to remain.

I come now to speak of the future. It has been boldly proclaimed here by several gentlemen, that, in regard to the administration of Mr. Van Buren, we are to have "war in advance," and "war to the knife!" This is a most extraordinary position for gentlemen to assume, before the principles or policy of the Chief Magistrate are made known, nay, before he has taken the oath of office; to declare war, and that, too, a war of extermination! They inform us that he is not to be judged by his acts; that they may possibly support his measures, but they will wage an interminable warfare against the man! Why, sir, we go for measures, and men to carry them out; we support men, because they are in favor of certain doctrines and measures, not because we like the man. Any other system than this must degenerate into mere "man worship."

This may be a very patriotic opposition; but it appears to me to be an impolitic one for the gentlemen themselves. When one man is determined beforehand to be displeased, or to quarrel with another, we know how easy it is to find an opportunity of doing so. Now, if it should so happen, in the progress of events, that these gentlemen find it necessary at some future time to make an assault upon the administration, will not the people be inclined to reply: "Ah! we did not expect you to be satisfied, for you were determined to be displeased, let the President do as he might." But the course which gentlemen choose to pursue is somewhat a matter of taste; and I have not the least desire to dictate to any one upon this subject.

If the opposition have solemnly resolved that we shall have another four years' war; if they will agree to no cessation of hostilities; if we cannot be permitted even to go into winter quarters for three months; if war, and war to the knife, is to be their motto, for one, I say, "come on, Macduff!" Let us hear the roar of your

cannon, gentlemen. Show us the size of your balls; the length and diameter of your calibers. Let us hear the trampling of the horses' hoofs, the neighing of the steeds, and the clangor of your trumpets. Do not annoy us by the random shots of single riflemen from behind the scattering trees, nor by the flanking and scouting parties that belong to your army, but charge with all your forces. Danger is always increased, in appearance, by the distance. The enemy presents a much more terrifying aspect when he first bursts upon the view than when you grapple with him, man to man, and test the power of his muscle and the fierceness of his spirit. Give us a general fire, along your whole line. The suspense which precedes a great battle is the most dreadful period of the whole affair. I am told that even cowards will fight after the first discharge; and I promise you that all of us who survive the first shock will stand up and give you a fair fight in the open plain.

The reason assigned for making war upon Mr. Van Buren is, that he is a usurper! Yes, sir, although elected by the people of the United States, he is a usurper. Language is changing its meaning now-a-days, and we shall soon be unable to understand each other. Let us look into this charge.

We all know there were many persons in the democratic party who did not prefer Mr. Van Buren to all others as the successor of General Jackson. Some of us preferred Judge McLean; some were for Colonel Benton; others were for Judge White; and many were in favor of the honorable gentleman from Kentucky, (Colonel Johnson.) He was not my first choice. Thousands of us in Ohio preferred a distinguished citizen of our own State. We knew him personally; we had seen the zeal, industry, and ability, displayed by him in the management of an important Department of the Government, and in the discharge of every duty devolving upon him in the various stations he had held, both under the State and Federal authorities. We believed he would make an excellent Chief Magistrate; whilst, on the other hand, some of us had been induced to believe that, although Mr. Van Buren possessed great abilities and experience, still he was an intriguing politician. We believed so because we heard these things said, day after day, for years, and scarcely ever heard a word said in his defence. How could any one expect us, under such circumstances, to come to a favorable conclusion in regard to him? I must here beg pardon of the House for speaking particularly of myself. When I was first elected to Congress, I was elected as a McLean man. Myself and one of my colleagues were well known, both at home and at this place, to be favorable to the Judge, whilst the other friends of the administration from Ohio were either for Mr. Van Buren or uncommitted.

During the first session we were here, a convention of the Jackson party was held, at which they nominated Mr. Van Buren for President, thus crowding Judge McLean off the track in Ohio. It was a matter of public notoriety among those who took any interest in my opinions, that, judging from the information I received with regard to this proceeding, the manner of getting up and conducting the convention, I at that time disapproved it, though subsequent information changed my opinions. I wrote three letters, expressive of my disapprobation--private, confidential letters, so marked upon their face. Two were written to a gentleman long since deceased, and the other to an individual still living. Both these persons were Jackson McLean men, and my personal friends. During the campaign last fall, these letters, with the word "private" and the names of the correspondents erased, and with what other alterations, if any, I know not, appeared in the public newspapers. The living correspondent denied having any thing to do with the publication, and the family of the deceased had no participation in it. A few "whigs," with two or three professed Van Buren men, I am told, superintended the publication. I do not charge it upon the opposition as a party, for I take pleasure in saying, that however wrong I may think them in their politics, there are thousands of them who are high-minded, honorable men, who would suffer their right arms to be severed from their shoulders rather than descend to a mean or dishonorable action. But the men of any party, who would violate the secrecy of a confidential correspondence, who would procure the private communications passing between personal and political friends, and expose their contents to the world without the consent of the parties, are unworthy of the society of gentlemen any where, and deserve the scorn and indignation of every honest man in the community.

These letters were published to prove my inconsistency, in having once been favorable to Judge McLean, and being now for Mr. Van Buren; and the charge was made by individuals of the Harrison party, who acknowledged that General Harrison was not their first choice, but they supported him because he was taken up by their party! They preferred Mr. Clay or Mr. Webster; but when their friends settled down upon the hero of Tippecanoe, they went for him.

The friends of Judge McLean, who belonged to the democratic party, adhered to him as long as there was any prospect of his being run by that party. When that failed, and he withdrew from the canvass, to prevent the possibility of bringing the election of President into this House, then they, generally, went over to Mr. Van Buren.

[Here Mr. VINTON rose and requested leave to ask Mr. H. a question. Mr. H. "Certainly." Mr. V. "Will my colleague say whether he did not go over to Mr. Van Buren before Judge McLean declined?" Mr. H. "I will answer my colleague with pleasure. When first elected, my constituents knew I was a McLean man. Previous to my second election I published a card, stating that, whatever might be my individual preference, whenever my party united generally upon a candidate, I should go with them. With this information before them the people elected me, and I have faithfully kept my promise to the letter. That election was, I believe, before the Judge formally declined being a candidate. So much for my own individual affairs."]

Sir, the opposition may thank themselves, in some degree, for the election of Mr. Van Buren. They contributed very much to make him the candidate of the democratic party. Notwithstanding his eminent qualifications for the office, his claims might possibly have been postponed to a future election, had it not been for the rancorous persecution of his political enemies. The first step taken by them, to render him a favorite with the people, was the wanton rejection of his nomination as minister to England. This exhibited so much ill nature, so strong a desire to crush a supposed rival, and to gratify individual and partisan hatred at the hazard of sacrificing the public interest, that the friends of the administration rose up as one man, and, as an act of retributive justice, elevated the rejected minister to the presiding chair of that very Senate who had attempted to destroy him.

The next step taken by the opposition to make the Vice President popular with his own party was the daily abuse they bestowed upon him during the "panic session." They constantly connected "Jackson, Van Buren, and the party" together, to make up a triumvirate. This very naturally excited kind feelings towards him among those who were abused in common with the President and himself; in this manner they made him

thousands of friends, and he was finally adopted as the candidate of the democratic party.

The gentleman tells us that the President nominated him as his successor, and that to this nomination he owes his election. I should be glad to know when, where, and under what circumstances, this nomination was made.

[Mr. Peyton arose, and said he could tell the gentleman from Ohio, and would do so then, if he desired it; or would do it after he got through, whichever he pleased. Mr. Hamer remarked that it would be better, perhaps, for Mr. P. to give his sentiments after he had closed.]

I presume, sir, (said Mr. H.,) the gentleman from Tennessee refers to the Gwinn letter, written by the President in defence of some charge made against him in a Nashville paper. It is some time since I saw that letter, but such is the tenor of it, according to my recollection.

[Mr. Peyton again arose, and made some remarks respecting this letter, contending that the article in the Nashville paper was not an attack upon General Jackson, but that it had been made a pretext for writing the letter, which denounced every body in advance who would not support Mr. Van Buren.]

Mr. H. proceeded. Let the nature of the article be what it might, one thing is certain—the letter was neither in form nor in substance a "nomination" of Mr. Van Buren. It advised union and harmony in the party, and spoke favorably of the proposed convention at Baltimore.

Suppose the President was favorable to him, was there any thing wrong in this? Does a Chief Magistrate lose the freedom of thought by his election to that office? This would be a new doctrine in our country.

It is not unnatural that he should be favorable to Mr. Van Buren. He knew him well. The latter had been associated with him for years in the administration of the Government. They agreed in opinion with respect to all the leading measures of the administration, and Mr. Van Buren was pledged, if elected, to carry them out, and pursue the policy of General Jackson. To such a candidate he could not well be opposed; but how did this influence the election? Where was the President's influence effectually exerted in favor of his successor? Not in Tennessee, for that State went against him. If there was any one State in the Union which could be influenced by him, it must be Tennessee; and yet that went for Judge White! Where, then, is the evidence of this "appointment of his successor," so confidently charged upon all concerned? Nowhere but in the imagination of those who have asserted it so often that I dare say they begin to believe it themselves. Suppose the President had been for Judge White or for General Harrison, would there have been any complaints then? Not a word. They would have said: "Well, the President has got his eyes open at last to the true character of Mr. Van Buren; he can be deceived no longer; he has detected the imposition, and, with his characteristic independence, the noble old General has come out openly against him." He would have been "glorified," from one end of the continent to the other, by those who now abuse him.

The Baltimore convention nominated the Vice President, and made him the candidate of our party. This, too, is a grievous offence, and smacks of dictation too strongly to please the opposition. Pray, who first resorted to national conventions for such purposes? Who held the conventions at Baltimore that nominated Mr. Clay and Mr. Wirt, in the campaign of 1832? Who held the young men's national convention in this District, in the same year? We all know it was the whigs and the anti-masons. Yet these are the men who now abuse us in unmeasured terms for merely following their example.

But his locality greatly displeases some gentlemen, and they have abused New York in almost every debate that has occurred here for the last three years; and she is treated in the same manner in all their newspapers. And why may not New York have the honor of giving us a President? The South has given us four, New England has furnished two, and the West one; whilst New York and Pennsylvania, two great States, occupying a central position in the confederacy, each of them a nation within itself, have never furnished us one. What has New York done, that she is to be proscribed? Has she not signalized herself by a devotion to liberty, and an attachment to democratic principles, in all the great emergencies which the country has seen? Where was she in the revolutionary war? Battling among the foremost for independence. What was her position in the great political revolution that brought Mr. Jefferson into power? She stood side by side with her democratic sisters, struggling for the rights of the States against federal usurpation and monarchical principles. And in the war of 1812, where was she found? Sustaining the cause of the country as efficiently as any State in the Union, and holding at bay the Hartford convention party, who were not permitted to cross her territory into the Middle and Southern States. If this State has a distinguished son, worthy of the chief magistracy, why may he not be presented as a candidate for the suffrages of the people of the United States? So far from there being any thing wrong in it, there was a peculiar propriety, under all the circumstances, in taking the candidate from New York at the recent election.

Mr. Van Buren was thus made a candidate for the presidency of the United States. He encountered an opposition combining more talent with less scrupulousness in regard to the means employed to defeat him than was ever met before by any successful candidate for the same office. Their untiring exertions induced thousands of good men and sound patriots to vote against him, who were utterly misled with respect to his true character.

In some places he was denounced as a Catholic, for the purpose of inducing Protestants to vote against him. Many did so, in every State in the Union, believing that, if he succeeded, there would be a league formed between him and the Pope, and our religious liberties would be prostrated forever. Yet every intelligent man, of every party, knew this charge to be utterly false.

To the open, honest, straightforward voter he was denounced as a political intriguer. We all know how easily this charge is made, how strongly inclined the people are to believe it when made against public men, and how difficult it is to disprove it in any case. During the late campaign, his friends have roundly denied the charge, and demanded the proof. What answer has been given? Why, that "he is so smooth and so sly in his operations that you cannot catch him at it!" Ah! and pray how was it ever discovered in the first instance, if he leaves no traces behind him?

At the South he was declared to be an abolitionist; and the people were persuaded that, if he succeeded, the constitutional guarantees for their domestic institutions, peculiar to that region, would be all broken down. In the North he was abused for being opposed to the abolitionists, an enemy to the freedom of speech and of the press, and in favor of slavery. Such was the hostility to him in that quarter, that nineteen out of every twenty, and perhaps ninety-nine out of every hundred, abolitionists in the United States voted against him. This was to be expected; for all who have taken the pains to ascertain his sentiments know that he is opposed to the doctrines and practices of the modern abolition party, in every shape and form.

In one place he was alleged to be in favor of giving all

negroes the right of suffrage; and, in another region, he was censured for being an enemy to the poor, and against allowing them the privilege of voting for public officers. Both charges were without foundation in fact. By the same men he was declared to be a federalist, and an opposer of the war of 1812, when the history of that period proves him to have been a member of the Legislature of New York, and one of the most efficient friends of the war that then figured in public life.

In some places his talents were denied, although, but a few years back, the same men charged him with writing all General Jackson's messages, and frankly admitted that they were drawn up with great ability.

It would be a Herculean task to enumerate all the falsehoods propagated, and impositions practised, to accomplish his defeat. They all failed. Notwithstanding the people were appealed to in pathetic terms to come to the rescue, were assured that they would be ruined if they elected him, still they marched to the polls and gave him their votes. The people had been twice ruined by electing General Jackson; and, as they found it rather an agreeable operation, they concluded to try it a third time, and let Mr. Van Buren ruin them again.

He has been elected by the unbought suffrages of his fellow-citizens, and in a most remarkable manner. The vote received by him is diffused throughout the Union, so as to prove most clearly that nothing like a geographical division of parties exists in the country. All the efforts made towards that point have been unsuccessful. Including Michigan, he has received the votes of fifteen States out of twenty-six. He obtained the votes of a majority of the old thirteen States, and a majority of those of the new States. He has a majority of the electoral votes of the slaveholding and a majority of those of the non-slaveholding States of the Union. He has one hundred and seventy electoral votes, being a majority of forty-six over all his competitors put together; and he has a majority of all the individual votes of the people of the United States of from ten to twenty thousand. The exact number cannot be ascertained, because in South Carolina the people do not vote; the Legislature appoints the electors of President. Without this State, Mr. Van Buren has a majority of about twenty-two thousand, according to the calculation of the opposition newspapers themselves. But to make him out a "usurper," a "minority President," they count South Carolina as forty thousand--the whole number being set down against Mr. Van Buren, and none for him. Now, the Union party of that State compose from a third to one half of its population, and they are openly for him, and would have so given their votes, if permitted by the State Government to go to the polls, and vote directly for the President. If, then, the State can give forty thousand votes, fifteen thousand at least, and perhaps twenty thousand, would have been for Mr. Van Buren; for many nullifiers would have voted for him, I have no doubt, in preference to any other candidate before them. Allowing him but fifteen thousand, there would be a majority of ten thousand against him in the State. Deduct this from the twenty-two thousand majority he has in the other States, and he has still a clear majority of the individual votes of the Union of at least twelve thousand.

He is elected according to all the forms of the constitution, and by these large State electoral and individual majorities; and yet gentlemen call him a "usurper!" No; he is the constitutional, lawful President; and, from the 4th of March next, all men will be bound to obey him as such, within the pale assigned to him by the institutions of his country.

Suppose Mr. Van Buren had received one vote less than enough to elect him, and the question had come before this House. In that event, General Harrison, with seventy-three, or Judge White, with twenty-six votes, might have been elected. Such a result was by no means impossible. A distinguished gentleman from Kentucky [Mr. HARDIN] stated upon this floor, in a debate which occurred here last session, that the member who held the seat in the contested election from North Carolina might possibly give the casting vote for President, should the question come before us. In voting by States, no one can tell what the result would have been. If one of the gentlemen named had been successful, and we had risen and denounced him as a usurper, and declared war upon him in advance, because he was a minority President, what astonishment would have been expressed by the opposition! What lectures would have been delivered upon constitutional law and obligations! The motto would then have been, "judge him by his acts." But now, when our candidate is fairly elected by the independent voters of the Union, he is a usurper, because General Jackson was for him, or because the opposition do not like "the man!"

But if the war is to be commenced immediately, under whose banner do gentlemen propose to fight? Who is the candidate of the several parties opposed to the coming administration? Is it Judge Mangum, with the eleven votes of South Carolina to start upon? Who ever thought of him for President, until that State voted for him the other day? Is it Mr. Webster, with the fourteen votes of Massachusetts; or Judge White, with the twenty-six votes of Tennessee and Georgia? Why, sir, I mean no disrespect to either of these gentlemen, but really, with such a capital as either of them has, we should say, in the Western phrase, "it would be rather a dull chance!" Shall we have a distinguished gentleman from Kentucky, who was not a candidate in the late campaign? We have beaten him two or three times already, and we can do it again, whenever his friends choose to bring him forward. Shall we have the hero of Tippecanoe upon the track once more? The worthy gentleman who was at the head of the Clay electoral ticket of Ohio in 1824, and who, three years ago, in a public speech, declared that the surplus revenue ought to be applied to the purchase of slaves in the Southern States, for the purpose of colonization? He, of course, adopted the doctrines of the great "American system;" he is a politician of that school. He desires, too, that the taxes levied upon the South, over and above what are needed by the Government, shall be expended in buying up their slaves; or, in other words, he would tax them to obtain money to pay them for their own property! Will the South support that doctrine?

What are the opinions and sentiments of the candidate, whoever he may be, upon whom all the little parties can unite? Who are to be his supporters? They are the nullifiers, the anti-masons, the abolitionists, the black-cockade federalists, and their regular successors who hold the same principles; and the honest but misguided democrats, who are led away by the acts and professions of these various parties. What a crew would this be to put on board the old vessel of state? Suppose their President were now elected, how would it be possible for him to sustain himself? I take it for granted his cabinet would be made up of distinguished men, taken from the different fragments of his party; for, to be supported, he must consult the wishes of his friends in the selection of important officers, and in the recommendation of public measures. It has been said that a President elected by this House would have been brought to terms in regard to public policy. True, if you could have agreed among yourselves upon what the terms should be! But let that pass. Imagine you see the new President, at the "White House," preparing to send in his first annual message to Congress, with his cabinet around him. The message is carefully read through,

and each member is desired to give his opinion freely with respect to it.

The first one who speaks is a thoroughgoing bankite, who believes the Government cannot manage its fiscal concerns without a "mammoth." He insists that there shall be a positive recommendation of a national bank, and refuses to give his approbation to the document because there is no such paragraph in it. This brings to his feet the Southern strict csnstructionist, who denies the authority of Congress to legislate on the subject, and who declares his utter abhorrence for any such proposition; declaring, furthermore, that it will break down the administration to avow this sentiment. The nullifier gives his opinion that there is a strong inclination, in two or three places, towards "centralism;" that these passages must be altered, and a few remarks added on the subject of "concurrent majorities." To this the federalist strenuously objects, and insists that the centrifugal force is much the more powerful in our republic, the great danger being that the parts will fly off from the common centre.

Next comes the anti mason, who says the message is altogether defective. "You must give us a little *fee-faw-fum* in it." "Say something about the outrages committed upon the person of Captain William Morgan; and give them a touch about extra-judicial oaths, and secret societies, plotting the overthrow of our liberties." "That is all very well," says the abolitionist; "but I shall never give the message my sanction, unless it contains something in favor of 'human rights,' 'natural equality,' and 'the great danger of national judgments on account of our national sins!'"

What would the Executive Chief do in this state of perplexity? Would he gratify all? What a pretty piece of patchwork! What a dignified, elevated, and able state paper his message would be! Would he reject a part of the propositions and adopt the remainder? Which individuals would he follow? Who would be the favorites? No man on earth can tell any thing about it. The people saw this; they perceived that to follow the opposition was like taking a leap in the dark—whilst, in voting for Mr. Van Buren, they were walking in the light of open day. They knew his principles, and could foresee the policy of his administration; and they very wisely preferred him over all his political competitors.

Against whom is this war to be waged with such fury? It is against the democratic party, with Martin Van Buren at its head. Gentlemen may sneer at this if they choose; but it is so. Men may call themselves what they please, but there is one infallible mode, and one only, of deciding to what party an individual belongs. A federalist may call himself a democrat, and a democrat may claim to be a federalist; but ask for his principles, for his political creed, and then you can soon determine to what party he is really attached. Try us by this rule, and it will be found that we are the democratic party, "par excellence," if gentlemen choose to apply the term.

In this country, Thomas Jefferson is now universally acknowledged to have been the great "apostle of democracy." Whatever party of this day comes nearest to his principles is the democratic party, let others call themselves what they may. What were his principles? He was against the Bank of the United States. So are we. He was opposed to a high tariff; collecting from the people large sums of money annually, which are not wanted for any of the legitimate purposes of the Government. So are we. He was against the construction of works of internal improvement, under the authority of the General Goverament, checquering the whole country with roads and canals, made by the funds drawn from the industry of the nation. So are the friends of the present administration. He believed that Senators and Representatives were bound to obey the instructions of their constituents, or to resign their places and allow others to take them who would. So do we. Look to the evidences exhibited within the last few years of the truth of this position; whilst the opposition have generally disregarded instructions, and boldly retained their offices, in defiance of the public will.

Upon all the cardinal points and doctrines of the old democratic party of 1800, we of the present dominant party are agreed. There is a unity of sentiment among us in regard to these principles, which proves conclusively that we are the democracy of the country. The opposition have no common creed; but, so far as general principles are concerned, we find them constantly making war upon these doctrines in practice.

The means employed in this war will be similar to those always employed against the democratic party, and such as have signalized the opposition for some years past. They arrogate to themselves "all the talents" of the country, particularly in both Houses of Congress; and their puffers and letter-writers aid them to make that impression upon the public mind. Every prominent man upon our side is denounced as greatly deficient either in talents or in political honesty; he is either knave or fool. "Demagogue" is the common appellation applied to all who advocate popular rights and popular doctrines.

"All the religion and morality" are claimed to be on the side of the opposition; and it is evidenced by that portion of them who weep and wail over "poor Indians" and "poor negroes!" The "decency," too, all belongs to them. Witness the poetry upon "Dusky Sally," published against Mr. Jefferson; the coffin handbills circulated against General Jackson, and the violent and abusive harangues and publications against almost all the prominent men of our party.

The newspapers on our side are universally denounced as unworthy of confidence, whilst their own, even the most abandoned and profligate, are held up as prodigies of truth and patriotism. And last, though not least, they resort to various schemes for buying up the people with their own money! No plan will be left untried upon this subject. A distribution of land or of its proceeds, a deposite or distribution law to be passed annually, or any other plan which will effect the object, will be resorted to. This policy leads the people, when the election is approaching, to inquire, "which candidate is in favor of giving us money," or "who will get the most money for us?" In this contest about money, principle will be overlooked; and we shall be governed by the most low, grovelling, and mercenary motives which ever control the human mind.

The North and the South, the East and the West, have been invoked to join in this crusade against the new administration. The gentleman from South Carolina [Mr. PICKENS] called upon the South to come to the rescue, and confidently predicted that Massachusetts, and the country on both sides of the Ohio, would aid in the prostration of Mr. Van Buren. Sir, the gentleman will find himself in a like condition with a celebrated character in English history, who could "call spirits from the vasty deep;" but, unfortunately, they would not come when he called them. The people of these United States are a just people, and they are disposed to bestow upon every man the reward which his conduct has merited. They will not condemn a public officer until he has done something worthy of condemnation. I know that politicians sometimes act otherwise. That "ill-weaved ambition," which prompts men to rash and dangerous experiments, may induce a public man to condemn without a hearing; but private citizens will hear before they strike.

As many gentlemen have recently ventured to prophecy in regard to future events, I will follow the ex-

ample. I hope, however, to be more successful than the opposition have been for the last eight or ten years. My prediction is, that the next administration will pursue a calm, prudent, and wise policy, both at home and abroad; that it will bear about the same relation to General Jackson's that Mr. Madison's did to Mr. Jefferson's administration, with the exception that there will be no national bank chartered. And if Mr. Van Buren should be a candidate for re-election, he will get all the States he did at the late election, and the votes of Georgia, Ohio, Indiana, and I believe Tennessee, in addition. The country will proceed in its career of prosperity; and the close of his administration will see him one of the most popular Presidents that has ever occupied the executive chair of this great republic.

With regard to the resolution now before the House I have but little to say. I am in favor of a thorough examination of any department where there is reason to believe that either fraud, corruption, or dishonesty exists. Let there be some evidence to warrant the House in adopting the resolution; some definite charge, some distinct statement, to warrant the procedure, and I will go as far as any gentleman to ferret out the fraud, and drag the culprits to light. But I do not like the language of the original resolution. It is too general, too sweeping in its phraseology. It includes all the transactions of all men with the departments, whether direct or indirect, official or unofficial. The contracts and dealings of every private citizen, who has ever had any thing to do with any department of the Government, may be thus subjected to the inspection of a committee of this House. It is to that I object.

Still, sir, I do not know but I shall vote for it as it is if I cannot get it altered. I have not heretofore voted for such propositions; but, after all that has been said by the opposition, I think it is due to the President, to ourselves, and to the coming administration, that we should throw open the doors, and let these gentlemen examine for the corruption about which so much has been said. It is due to the President, whose term of service is drawing to a close, that the condition of the departments be made known to the country; and, if fraud be found there, that the innocent should be justified and the guilty punished. It is due to ourselves, because we have been indirectly charged with a desire to smother and conceal the maleadministration of public affairs. And it is due to the President elect that we should deliver the executive departments into his hands thoroughly purified from all iniquity, so as to make him responsible only for the misdeeds of his own subordinates, committed whilst he is in power. For these reasons I shall vote for a strict and general scrutiny, such as shall be satisfactory to all reasonable men, of every political party.

One word, Mr. Speaker, in conclusion, with respect to this kind of discussion in which we are now engaged. No one dislikes it more than I do. What I have said has been absolutely provoked by the course which gentlemen on the other side of the House have pursued. I have listened to their attacks upon the administration and upon its friends for a long time, in hopes that some one of more age and experience, and of greater ability, would meet these assaults, and repel them as they deserved. No one did so, and I considered it my duty to assume the position I have taken. I am aware that I have subjected myself to violent attacks, here and elsewhere. I surveyed the whole ground before I commenced, and having come to the conclusion that it was my duty to take the field, I am not the man to be deterred by consequences.

I have endeavored throughout the discussion to confine myself within the rules prescribed by parliamentary law. I have avoided all personalities, striking at masses of men, their movements and principles. These I consider fair game. If I have done injustice to any individual, I shall be ready to make such explanations as the circumstances may require; but to what I have said of parties, their conduct and principles, I shall firmly adhere, until convinced that I have been mistaken.

FRIDAY, JANUARY 6.

REPRINTING DOCUMENTS.

Mr. GILLET, from the Committee on Commerce, offered a resolution for the reprinting of sundry documents in relation to the reorganization of the Treasury Department, and the number and compensation of custom-house officers, &c., and for the printing of certain manuscript documents thereto appended.

Mr. ADAMS said he did not know that he had any great objection to reprinting these documents, but he would like to hear some reason given by a member of the Committee on Commerce why they should be reprinted. He would like to know whether the documents were large or small, what the expense would be, and whether any good was to result from reprinting them. The document was not intended for circulation among the people, but merely for the use of the members of the House. He believed it was not customary to reprint documents which had been already published, for the use of the members.

Mr. GILLET explained that the documents were of inconsiderable size, and that his object was to collect together the information requisite to the understanding of the particular subjects to which the documents had reference, with a view to place that information collectedly in the possession of members.

As to the expense, he had not examined the question. He felt no personal solicitude about the reprinting; and his sole object had been to lay before the members, in a compact form, the information which was requisite to their action on the subjects embraced.

Mr. E. WHITTLESEY called for a division of the question; that was to say, on the printing of so much of the documents as now remained in manuscript; so far he had no objection; but the other portion of the documents had been twice printed already, and the question presented was to reprint all the business documents on the calendar, which had not been acted on at the last session of Congress—whether documents were to be printed a third time. This was economy with a vengeance! It was a species of reform to which he hoped the attention of every member would be turned.

He cared nothing for any amount of necessary expenditure in printing; that he was at all times willing to vote for. The charge which had been made by the gentleman from New York, [Mr. GILLET,] against the gentleman from Massachusetts, [Mr. DAVIS,] could not be made against him, (Mr. W.,) because he had raised his voice against these expenses, and the House had not sustained him. However voluminous the documents might be, if it was actually necessary he would go to the full extent, whatever the expense might be.

Mr. GILLET explained that these documents were not to be reprinted for the purpose of being bound up, but merely to put the House in possession of information which it was indispensable they should have before acting on the bills to which the documents related. He reminded the member from Ohio of the vote which he [Mr. WHITTLESEY] had given at a former session, in favor of printing a very useless document, which served the purpose only of wrapping paper for merchants, &c.; he alluded to the Post Office report.

Mr. E. WHITTLESEY said he had nothing to do with the number of the Post Office document which the House had ordered. But he did not raise his voice against the printing of that document, because he thought

then, and he still continued to think, that that document should be disseminated through every nook and corner of the United States; and he pledged himself that if the gentleman from New York would now bring forward a document equally important, he (Mr. W.) would not stop at any number short of twenty thousand. That document had developed one of the most stupendous frauds that had ever been brought to light under any Government on earth; and the reports of the majority and minority of that committee were so essentially alike, that the best friends of the administration in this House could no longer sustain the Post Office Department.

Had the gentleman from New York ever read that report? Mr. W. apprehended he had not, or he [Mr. GILLET] never would have risen and pronounced the document useless. Was it not shown by that report that the Department was insolvent? And had not its debts to be paid out of the public Treasury? What was the fact now? Notwithstanding the Department at that time was in debt some seven or eight hundred thousand dollars, there was now a surplus on hand of some two or three hundred thousand dollars. This great and advantageous change had been brought about under the present administration of the Department; but it had been achieved under the auspices of the Post Office Committee, without whose untiring exertions and fidelity in that investigation the Department would have been in a state of the most deplorable bankruptcy. And yet such a document was useless.

After a few explanatory observations from Mr. CONNOR and Mr. GILLET,

Mr. SUTHERLAND said he thought this was a matter which did not require much speaking, and that the question had better be decided one way or the other. The only question was, did the House want the information or not? If they thought it was worth printing, let them have it; if not, let it pass. The Committee on Commerce did not want it; the gentleman from New York [Mr. GILLET] did not want it. But he (Mr. S.) would say, let us have it, if the unenlightened gentlemen of the House did want it.

Mr. D. J. PEARCE spoke in favor of the motion to print, and said that the rejection of it would not be extending towards the Committee on Commerce the courtesy usually manifested in such cases.

After some further remarks from Mr. ADAMS,

Mr. GIDEON LEE said that, upon the calculation that every five hours of the time of the House was worth $3,000, a portion of time had been expended in the debate which would pay the expense of printing these documents many times over. He was under the necessity, therefore, of invoking the aid of that labor-saving machine, the previous question.

And the House seconded the call.

And the main question was ordered to be now put.

And the main question, in part, being on the reprinting of documents other than those in manuscript, was taken, and lost.

And the second portion of the main question, being on the printing of the manuscript document, was taken, and decided in the affirmative. So the manuscript document alone was ordered to be printed.

R. P. LETCHER AND T. P. MOORE.

The bill for the relief of Robert P. Letcher and Thomas P. Moore coming up, on its final passage—

Mr. LANE called for the yeas and nays on that question.

Mr. UNDERWOOD moved the recommitment of the bill to the Committee of the Whole House on the state of the Union.

After a few words from Messrs. HUNTSMAN and LANE,

Mr. WILLIAMS, of North Carolina, called for the yeas and nays on the question of recommitment.

After a few remarks from Mr. MANN, of New York,

Mr. ANTHONY called for the previous question.

Mr. RENCHER moved to lay the bill on the table, and called for the yeas and nays; which were ordered; and, being taken, were: Yeas 35, nays 157.

So the motion to lay the bill on the table was lost.

The question then recurring on seconding the previous question, the House seconded the same: Yeas 83, nays 46.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays on the question of taking the main question; but the House refused to order them.

And the main question was ordered to be now put.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays on the main question; which were ordered.

And the main question, "shall the bill pass?" was then taken, and decided in the affirmative: Yeas 125, nays 64, as follows:

YEAS—Messrs. Adams, C. Allan, H. Allen, Anthony, Ash, Bailey, Barton, Beale, Bean, Beaumont, Bell, Bockee, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Bunch, Burns, Bynum, J. Calhoon, Carr, Casey, Chaney, Chetwood, J. F. H. Claiborne, Clark, Cleveland, Craig, Cramer, Cushing, Cushman, Darlington, Davis, Dawson, Doubleday, Efner, Elmore, Fairfield, Fowler, Fry, Galbraith, R. Garland, Gillet, Granger, Grantland, Haley, Hamer, Hannegan, Hardin, Harlan, S. S. Harrison, A. G. Harrison, Haynes, Henderson, Hoar, Holt, Howard, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Joseph Johnson, R. M. Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Laporte, Lawrence, J. Lee, Leonard, Lewis, Lincoln, A. Mann, J. Mann, Martin, M. Mason, May, McKennan, McKeon, McKim, Moore, Morgan, Muhlenberg, Page, Patterson, D. J. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Potts, Reed, Joseph Reynolds, Schenck, Shields, Shinn, Sickles, Slade, Sloane, Smith, Spangler, Sprague, Storer, Sutherland, Taylor, Thomas, John Thomson, Waddy Thompson, Turrill, Vanderpoel, Wagener, Washington, Webster, Weeks, White, T. T. Whittlesey, Yell--125.

NAYS--Messrs. Ashley, Black, Bond, W. B. Calhoun, Campbell, Carter, G. Chambers, Chapman, N. H. Claiborne, Connor, Corwin, Crane, Deberry, Dromgoole, Dunlap, Evans, Everett, Forester, French, Fuller, J. Garland, Graham, Graves, Griffin, J. Hall, H. Hall, Harper, Hazeltine, Hiester, Hopkins, Howell, Jarvis, C. Johnson, Lane, Lawler, Gideon Lee, Love, Loyall, Lyon, Samson Mason, McCarty, McLene, Milligan, Montgomery, Owens, Parker, Rencher, Richardson, Robertson, Rogers, Russell, Seymour, W. B. Shepard, A. H. Shepperd, Standefer, Steele, Taliaferro, Turner, Underwood, Vinton, Wardwell, E. Whittlesey, L. Williams, S. Williams--64.

So the bill was passed.

WILLIAM ANDERSON.

The bill for the relief of the legal representatives of William Anderson coming up--

After some remarks by Messrs. UNDERWOOD, VINTON, PARKER, BELL, HUNTSMAN, BRIGGS, and CAVE JOHNSON,

Mr. SHIELDS said that, at the commencement of this discussion, he had been improperly impressed with the belief that the Cherokee Indians and the United States were in a state of partial war at the time the loss was sustained for which these claimants are now seeking indemnity; but, upon a careful examination of the history of the times, and the circumstances immediately connected with this claim, (said he,) I find that, at that period, a state of perfect peace existed between that tribe of

Indians and this country. It will not, therefore, be necessary to consider, in the argument which I now propose to submit, whether this Government should or should not indemnify her citizens for depredations committed upon their property by the enemies of the country, when in a state of actual war with another Power. The Committee on Indian Affairs, by which this bill was reported, state, in its accompanying report, that this claim rests upon the same facts and circumstances, or, rather, that it is identical in point of proof, with the claim of the heirs of James Brown, which was allowed at a former session of Congress. I shall, therefore, in this discussion, refer to the facts in that case, as reported by the Committee on Indian Affairs in 1832, and shall take the facts as reported by that committee, at least, as *prima facie* true. These claimants allege that they should be indemnified as the legal representatives of William Anderson, deceased, for the loss of property plundered from their ancestor, James Brown, by the Cherokee Indians, in 1788. It will be recollected by every one that, by the terms of the treaty of Hopewell, concluded in 1785, that portion of territory which now composes a considerable part of Middle Tennessee was ceded to this country by the Cherokees, and was immediately thrown open for the reception and occupation of our citizens. Among the early adventurers who manifested a disposition to establish a permanent home in this part of the Western wilderness was James Brown, the ancestor of these claimants. In the fall of 1787, he and his family, carrying with them all their valuable property, arrived on the banks of the Holston, more than two hundred miles distant, by land, from the place of their destination. Believing that a passage down the Tennessee river could be more easily effected, and be, at the same time, less perilous, than a trip across the mountains, early in the following May (1788) they embarked, with a considerable amount of property, on board a boat, which they had prepared in the mean time, and descended the Tennessee river. While floating down this river, after they had reached the limits of the Indian territory, through which they had necessarily to pass, by an act of the basest perfidy, under the disguise of friendship, they were suddenly surrounded by upwards of seventy Cherokee warriors. Mr. Brown himself, two of his sons, and five boatmen, "the only adult males on board the boat," were instantly slain, Mrs. Brown, her three daughters, and two minor sons, made captives, and their property plundered and carried off by the Indians. It is for the loss of a small portion of this property, thus violently seized, that one of these captive girls who afterwards became Mrs. Anderson, and her orphan children, now ask an indemnity from the Government. Can the Government, consistently with its past policy, its future interest, and the justice of this individual application, allow the sought-for indemnity? It is, in the first place, I believe, admitted that, in time of peace, there is a claim on our Government for the protection of the person and property of the citizen, and for spoliations committed by any other than our own citizens. But it is contended, in argument, that we have not sufficiently shown that a state of peace then existed, and that the very act of hostility of which we complain is evidence of the want of a state of actual peace; and that a state of peace or war with an Indian tribe can only be determined by the character of the acts of one or both of the parties! I infer, however, that a state of peace existed at that period, from the history of the times, the cotemporary conduct of a large community of our citizens who resided in the vicinity of this tribe of Indians, the conduct of James Brown himself, and from direct and unequivocal declarations of the Congress of the United States, contained in a proclamation of that year on this very subject.

Prior to his departure from the settlement on the Holston, the ancestor of the petitioners obtained a permit from one of the headmen of the tribe to pass on his contemplated voyage through the Indian territory, accompanied with every assurance of protection and safety. The community in which he had resided from the fall of 1787 until May, 1788, were on terms of perfect amity, and indeed had been from the treaty of Hopewell up to that time. And, further, this treaty of Hopewell, it should not be forgotten, contained the following remarkable provisions, with regard to our relations towards the Cherokees, in articles 9 and 10, to wit: That "the United States in Congress assembled shall have the exclusive right of regulating the trade with the Indians, and managing all their affairs, in such manner as they think proper;" and, again: "Until the pleasure of Congress be made known respecting the 9th article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees, to trade with them; and they shall be protected in their persons and property, and kindly treated."

No other intercourse regulations had been entered into with this tribe previous to 1788, and none, except one or two of a very partial bearing, up to the general intercourse law of 1802, which has regulated our intercourse with all the Indian tribes from that to the present time. It is true there were other stipulations in the several treaties concluded, respectively, at Holston in 1791, at Philadelphia in 1792 and 1794, and at Tellico in October, 1798, but none of a general nature touching this point. There is still stronger evidence of our peaceable relations to be found in the proclamation of Congress to which I have already alluded. This proclamation was issued, by a resolution of Congress, the 2d day of September, 1788, in four or five months after the plunder of the boat and murder of Brown and the crew. This proclamation, a copy of which I now hold in my hand, recognises and reaffirms the obligations and binding efficacy of the treaty of Hopewell, without the slightest complaint with regard to any breach of the treaty, or of any depredations on the part of the Indians; in which, also, they threaten heavy penalties against any of the citizens of the United States who should dare to infringe any of the articles of that treaty. It is evident, from the language of this proclamation, that Congress regarded the Cherokees in a state of amity at that time; and, from what we have stated already, it is equally evident that our citizens who resided on the borders of that tribe so regarded our relations at the same period. These considerations seem to me to exclude the idea of the existence of a state of war at the date of the loss sustained by the petitioners. The several reports of the Committee on Indian Affairs on this subject, in summing up the testimony on this point, fully concur in the same opinion. "This is an application," says the able chairman of this committee, "to be paid the value of property taken with force by the Cherokee Indians prior to the enactment of laws regulating trade and intercourse with the Indian tribes, and in time of peace between the Cherokees and the United States." Then the act of which we complain has not been regarded by the committee, and I think cannot be looked upon as creating a state of partial war, or, as some of the gentlemen have styled it, a state of *quasi* war, so as to exclude this claim from a favorable consideration by Congress, under the established policy of the Government.

If this position were correct, you cannot conceive of any possible case in which those who had sustained an injury in time of peace by Indian treachery and violence could obtain redress for the loss and outrage; for the obvious answer would be ever ready, that the Government does not indemnify her citizens against the depredations of an enemy committed in time of war. The act

of hostility complained of creates a state of Indian war, because Indians never make formal declarations of war, like civilized nations; therefore the indemnity in this particular case cannot be allowed. This position cannot be sustained in any point of view. Nor is it conceived that the risk and hazard which Brown encountered by descending the river through the Cherokee country is such a departure from a course of due propriety, and from the obvious sense of the existing treaty regulations, as to exclude these claimants from relief. His object—the settlement of the newly acquired territory—was lawful, and even commendable. He had obtained a permit from the nation to pass through their grounds, and the proof is, that his conduct towards the Indians was unexceptionable in all things. This is altogether unlike the case of a trader, whose object is to gain by traffic. He surely, then, had not, by his own conduct, put his person and property without the pale of the protection of his Government. It will be seen, by inspecting the several treaties with the Cherokees, that no provisions were made in any of them to satisfy such claims as the present. But in the 9th article of the treaty of Tellico, or, as it is more familiarly called, the treaty of 1798, the usual remedy between the Indians and border settlers, which is that of reprisal, was expressly taken away, leaving the party injured without any summary redress, and, indeed, without any redress at all, unless this Government shall interpose its protection. It is provided in the article of the treaty of 1798 just quoted, that "all animosities, aggressions, thefts, and plunderings," prior to the date of the first conferences in that year, "shall cease, and be no longer remembered or demanded on either side."—(Laws of the United States, vol. 1, p. 334.) By this treaty stipulation, even the privilege to demand their rights of the Cherokees was expressly taken away from our citizens. And, much more, the ordinary remedy, so much practised on the Western frontier, of reprisal. It does seem to me most clear that the Government, by this act, became liable, in good faith, to satisfy all *bona fide* claims of private citizens against the Cherokees that existed prior to the treaty of 1798, on account of "aggressions, thefts, and plunderings, of that nation."

But it is argued, that if this claim should be allowed, a new policy will be established and introduced into our legislation, which will prove in the end onerous to the Government. This position is so far from being correct, that, if this claim be rejected, it will change the whole policy of this Government with regard to such claims, for the last ten or fifteen years. I do not pretend, said Mr. S., to have that profound information as to our Indian relations, or as to precedent generally, as many honorable gentlemen who have addressed the House on this subject. I have neither had the experience nor the means necessary to such attainments. But, in examining the past course of the Government on this subject, I find the aggregate sum of twenty-one thousand and eighty-six dollars appropriated, by act of Congress "approved 25th March, 1830," as full compensation to certain individuals named in said act, for horses stolen and property destroyed and taken by the Osage Indians, in the years 1816, 1817, 1823.—(Vol. 8, Laws of U. S. 294.) And again, in the year 1832, I find the sum of nine thousand seven hundred and fifty dollars appropriated by act of Congress of that year, to be paid to the legal representatives of John and James Pettigrew, for depredations committed on the private property of the Pettigrews, while navigating the Tennessee river in 1794, with interest upon that sum at the rate of six per centum per annum, from the date of the loss sustained, until the same should be paid—[Here Mr. SHIELDS asked the favor of the Clerk to read the report of the committee in the case of the Pettigrews, which he did]—and which Mr. S. said was similar, in all its material circumstances, to the claim now under consideration. The loss was sustained by private individuals, while descending the Tennessee river, in the Cherokee territory, by the act of that tribe of Indians, while in a state of peace. Mr. S. said, I might cite many other cases in point, from Missouri and elsewhere, which I have before me, but I will not consume the time of the House by reciting them. I shall desist, after again directing the attention of honorable members to the case of the heirs of James Brown, of which this claim is a counterpart, a duplicate, which in fact is identical with it in all its circumstances. [He here sent the report of the committee in Brown's case to the Clerk, a part of which was then read.] I am satisfied, after this explanation, that it must be apparent to all, that whatever may be done hereafter, Congress has repeatedly heretofore granted relief in many cases precisely similar to the one made out in this application; and, indeed, that it has been the policy of the Government, for a number of years past, without exception, up to this time, to do so. I cannot, therefore, see why this claim of the widow and orphans of William Anderson should be made an exception to a rule so well established. But I am apprehensive that the prospective claims from Florida may have an undue weight upon the minds of some, in deciding upon this claim. Still I hope they will not; it will be time enough to consider the justice of those claims when they shall have been presented. If, however, the policy of the Government, heretofore pursued with regard to the Cherokee depredations committed prior to the treaty of 1798, should appear to be obviously unjust, I grant it should be abandoned. But I cannot see how any one can come to this conclusion, so as to make this small claim, which is perhaps the last of that class, an exception to a rule which has so long prevailed.

Mr. EVERETT, in reply to the arguments in favor of the bill, [of Mr. BELL, Mr. ASHLEY, and Mr. SHIELDS,] said that, since the debate of yesterday, he had examined this case, and was satisfied there was no foundation in principle for the claim. He was aware of the difficulty of engaging the attention of the House to an argument dry and uninteresting in itself, more especially in opposition to a claim of so trifling an amount. In addition to this, he was asking the House to reverse its own decision in a case identical with this, (the bill for the relief of Joseph Brown, passed in 1834.) It was reported in 1832, and sanctioned by a second report in 1834. The report in the present case, made at the last session, refers to that case, and relies on it as a precedent. He did not recollect whether the case of Brown underwent a discussion. It was reported and passed while he was engaged elsewhere on another committee, and was now for the first time brought to his notice; and the importance of the principles assumed was his apology for addressing the House, and constituted his only claim to their attention.

If the aggression complained of was an act of war, the principle assumed would extend to all aggressions of the enemy in time of war. This principle has not been adopted by any Government. The decisions of Congress have been uniform, on claims for such aggressions during the revolutionary and late wars. If a distinction is taken in favor of Indian aggressions, the principle will extend to those of the West down to the treaty of Greenville (1795,) to those of the Black Hawk war, and to those committed and committing by the Creeks and Seminoles. At the time of this aggression (1788) there was but little ground for a distinction between Indian and foreign wars. The Indians were then regarded as foreign and independent nations; they were not surrounded by our settlements nor under our control. He would refer the House to the report of the Committee on In-

dian Affairs, in 1834, on the case of Alfred Stewart.* If the aggression was to be taken as committed in time of peace, the principle assumed would extend to aggressions in all time before recognised war. It would be an authority for the allowance of the claims for the French spoliations prior to 1800.

Mr. E. said he should meet the claim on its strongest ground; that, for the purpose of the argument, he would give the claim the benefit of the admission of a fact left doubtful in the report—that the aggression was committed in time of peace, and was not in itself an act of war. I will here remark (continued Mr. E.) that the claim is for an aggression committed not on the person but on the property of the claimant, and that the claim derives no aid from the hostile character of the aggression.

The case, then, is simply this: The claimant, in 1788, with the assent of the Cherokee nation, was passing down the Tennessee river, within the Cherokee country, with his property, not for the purpose of trade, but with the sole view of passing through their country, to make a settlement below it, when his property was forcibly taken from him by the Cherokees; and for the property so taken he claims compensation. On what principle? Upon the assumed principle that the Government were bound to protect its citizens against Indian depredations, committed even in the Cherokee country; that it is bound to seek redress for such depredations; that it having made a treaty without securing such redress, or having by treaty released the claim, they are bound to indemnify the sufferers. To lay a foundation even for the assumption of these principles, it should appear that some right, secured to the claimant by treaty, had been violated, and that the Government had in fact released a subsisting claim for indemnity. I shall endeavor to show that the aggression was not in violation of any right secured to the claimant by treaty; that no subsisting claim has been released; and that the Government are not bound, by any adopted principle of right or policy, to indemnify the claimant.

The treaty of Hopewell, of 1785, was the first treaty with the Cherokees, and established our first relation of peace with that tribe. By the 9th article of this treaty we secured the right to regulate the Indian trade; and the 10th article provides that, "until the pleasure of Congress be known respecting the 9th article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees, to trade with them, and shall be protected in their persons and property, and kindly treated." The 5th article provides that if any citizen of the United States, or other person, not being an Indian, shall attempt to settle on their hunting grounds, &c., such person shall forfeit the protection of the United States. No rights were secured to citizens to go into the Cherokee country for any purpose except that of trading with the Cherokees; protection was secured by the treaty to the property of traders only. The right of navigating the Tennessee river was not secured by this treaty, as was supposed by the gentleman from Tennessee, [Mr. BELL,] but by the treaty of 1791. The claimant was not a trader; he was not passing through the Cherokee country for that purpose. At that day the Indian tribes were treated with as foreign nations; and it is somewhat singular that in this treaty there is a provision relating to retaliation or reprisals, in case of a violation of the treaty: "that retaliation shall not be practised on either side, except where there is a manifest violation of this treaty, and then it shall be preceded first by a demand of justice; and, if refused, then by a declaration of hostilities."

Persons going into the Cherokee country had no other security than the treaty. In every other respect they submitted themselves to such usage as might befall them, without having any claim to call on the Government to seek redress for any injury either to their persons or property. The Cherokees may have violated their faith pledged to Anderson, but not the treaty. It is not intended to say that for any outrage the Government might not, if it chose, demand satisfaction; but that an individual has no right to demand this of Government, except for the violation of a right secured by treaty. It may here be proper to refer to the case of Pettigrew and Scott.—(Report of March 22, 1832.) The report in that case is based on two facts, which are wanting in this case: that the aggression was committed in 1794, when descending the Tennessee river, in violation of a right secured by the treaty of 1791; and that the treaty of 1798 ceded lands in satisfaction of that aggression. They appear to have inferred the last fact rather from evidence of what occurred pending the treaty than from the treaty itself.

It will be remembered that the aggression was in 1788. The next material fact is that war immediately succeeded, and continued until 1791. Whatever claims the Government might have had against the Cherokees, even for violations of the treaty, were merged in the war. It is the remedy sought by the parties for the redress of all injuries. Admit, then, for the sake of the argument, that a right of the claimant, secured by treaty, had been violated, and that the Government were bound to seek redress, the act of war was the measure by which redress was sought—the highest act to which a nation can resort. And whether they in fact obtain redress must depend on the fate of war. But no Government guaranties the result. Its duty is, by all reasonable means consistent with the best interest of the community, to seek redress. It is not, however, bound to continue a war until redress is obtained. The higher interest of the country must control; and if this requires that a peace should be made without obtaining redress, the loss must be submitted to. The Government is bound only to use its best efforts; these failing, the citizen must submit to the fate of war. If, however, a satisfaction be obtained, in part or in whole, the Government is bound to distribute it among the claimants. The claimants for the French spoliations prior to 1800 base their claims on the allegation that their rights secured by treaty were violated; and that the Government, by treaty, have released those claims, in consideration of an equivalent. The issue is made on the equivalent; but if the principle now assumed be admitted, this issue becomes immaterial. They will be entitled to relief, though an equivalent was not obtained, because it was not obtained.

By the treaty of Holston, of 1791, an end was put to

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* Extract from the report in the case of Alfred Stewart:

"That the petitioner, as heir, claims compensation for five negroes, taken in 1780, in a hostile manner, by an armed band of Cherokee Indians, within their territory, from his father, Thomas Stewart, a citizen of North Carolina, while removing with his family to Tennessee.

"The committee find the facts stated to be true. They are, however, of opinion that the petitioner is not entitled to relief. The injury complained of was, in itself, an act of war, committed while the United States were at war with the Cherokees, and to which the party voluntarily subjected himself by entering the territory of a hostile nation. Though the acts of war may have been occasional only, yet, until relations of peace were established by the Government, the hazard must rest on those who undertake it; so much so that no obligation is imposed on the Government even to demand redress, much less to indemnify the sufferers."

the war, without any stipulation for satisfaction for prior aggressions on property. It provides for the mutual restoration of prisoners only. This applied to no species of property. The treaty of 1785 provided not only for the restoration of prisoners, but contained the further provision: "They shall also restore all the negroes and other property taken during the late war." The treaty of 1791 was simply a treaty of peace, not of indemnity. "There shall be perpetual peace and friendship between," &c. "All animosities for past grievances shall henceforth cease." The effect of the act of peace itself was to bury all past animosities. It foreclosed all claim on the part of the Government or its citizens for past injuries; all right ceased, and no subsequent treaty could affect them, unless they were expressly recognised or assumed.

It is assumed in the report that the treaty of 1798 released these claims. The last clause in the 9th article is, that "all animosities, aggressions, thefts, and plunderings, prior to that day, shall cease, and be no longer remembered or demanded on either side." The assumption supposes that, notwithstanding the intervention of the war and the treaty of 1791, the plunderings of 1788 were existing claims. Independent, however, of this, the treaty of 1798 has no relation to these claims, but to claims subsequent to 1791. Difficulties arose as to the execution of the treaty of 1791, which gave occasion to the treaties of 1794 and 1798. Neither of these were treaties of peace, but treaties to modify and carry into effect the treaty of peace. The treaty of Philadelphia of 1794 (which I shall have occasion to mention for another purpose hereafter) increased the Cherokee annuity from $1,000 to $5,000, and provided "that for every horse which shall be stolen from the white inhabitants by any Cherokee Indians, and not returned within three months, the sum of fifty dollars shall be deducted from the said annuities of five thousand dollars." The particular object of the 9th article of the treaty of Tellico of 1798 was to release all claims for horses stolen prior to the commencement of the negotiations in that year, and, generally, all other claims then existing, prior to that date; that claim which had been extinguished by a prior war and treaty. The article is as follows:

"ART. 9. It is mutually agreed between the parties, that horses stolen, and not returned within ninety days, shall be paid for at the rate of sixty dollars each; if stolen by a white man, citizen of the United States, the Indian proprietor shall be paid in cash; and if stolen by an Indian, from a citizen, to be deducted as expressed in the fourth article of the treaty of Philadelphia. This article shall have retrospect to the commencement of the first conferences at this place in the present year, and no further; and all animosities, aggressions, thefts, and plunderings, prior to that day, shall cease, and be no longer remembered or demanded on either side."

I have thus endeavored to show that no right secured to the claimant by treaty had been violated; that the Government was not bound to demand satisfaction for the alleged aggression; that all rights between the Government and its citizens and the Cherokees were merged in the war; that the treaty of peace of 1791 put an end to all claims for prior aggressions, and to all claims of our citizens on the Government to seek satisfaction; and that the treaty of 1798 had no possible relation or effect on the claim before us. I might here consider the claim as disposed of. But it is due to the report, and to the gentlemen who have advocated this claim, that I should notice the argument that is founded on what is said to be the policy of the Government, to make compensation for Indian depredations. It is alleged that this is the established policy of the Government, to prevent retaliation and to preserve peace. It has been almost asserted that individuals have a right to seek redress by retaliation or reprisal. No Government, however, has recognised this right. No Government can submit its peace to the hazards of such a principle.

The policy of a Government is prospective, not retrospective. A policy that may be proper in 1834 does not require its application to facts that took place in 1788. At that time no such policy was thought of. The Indian tribes were then recognised only as independent nations. They were not then surrounded by the whites; we had no hold on them for payment for depredations; they had little or no personal property. It was only when we had granted annuities, and had the power of retaining compensation, that we adopted the policy, not of paying for Indian depredations, but of making the Indians pay for them; thus binding the tribe as a surety for the acts of individuals. The first suggestion of this principle is found in the treaty of Philadelphia. This was the first treaty that secured any considerable annuity to an Indian tribe, and contains the first provision for a deduction from it for compensation for Indian depredations, applicable, however, to the single article only of horses stolen. The first intercourse act was passed in 1790, the second in 1793; neither contained any provision on this subject; but the act that followed next after the treaty of 1794, viz: in 1796, adopted the preamble of that article, and extended it to all Indian depredations; and the same article has been since continued in force. The construction of these acts did not secure an eventual indemnification; it was limited to cases of depredations committed within our own limits, by Indian tribes with which we were at peace, and to which annuities were payable. And it was not until 1834 that the United States adopted the principle of paying for such depredations, whether annuities were payable or not. We are now called upon to apply this late-adopted principle to a transaction of 1788. It gives me no pleasnre to resist this claim. The hour that I have detained the House is of more value than the amount. We have already paid some thousands of dollars on the principal claim, of which this is a mere remnant. But, sir, when we look to the magnitude of the claims which must follow the allowance of this, we cannot too soon, even at the hazard of inconsistency, retrace our steps by rejecting the bill.

Mr. CRAIG moved to postpone the bill until Friday next. Lost.

Some further debate took place, between Messrs. CRAIG, HOAR, WARDWELL, BELL, WILLIAMS of North Carolina, ASHLEY, WHITTLESEY of Ohio, THOMPSON of South Carolina, SHIELDS, and HARPER.

Mr. WHITE, of Florida, said it was not his habit to address the House on any subject that was not directly connected with the interests of his immediate constituents, and he should not consider it proper upon any occasion to go out of his way for the purpose of saying any thing upon a private claim, with the merits of which he was not at all acquainted. The honorable member from Tennessee (said he) has shown himself fully competent to vindicate with ability the claims of his constituents. It appears, from what has been developed in the discussion of the bill now under consideration, that this is a claim for property destroyed by the Cherokee Indians, about the period of the commencement of hostilities between that tribe and the United States. It appears, also, that one of the parties in the same boat has been indemnified by an act of Congress for his property destroyed by the same Indians at the same time; and that another claim of considerable magnitude was allowed and paid to the family of Pettigrew, for a similar destruction of property, under circumstances in all respects like that which is the subject of the present discussion.

It seems, from the course of this debate, that this claim is now resisted, because it is supposed that it will be considered as a precedent, under which the Florida sufferers may claim indemnification. Sir, I rise to protest on this floor against any pre-adjudication of that question, which involves the fortunes and happiness of more than half of the inhabitants of East Florida. That question is too grave and important to be disposed of in advance, upon a petty claim of three hundred dollars, in the decision of which an attempt is made to establish a principle reversing established precedents, to be used as a pretext for rejecting the claims of the people of Florida, when they shall be presented for discussion, deliberation, and decision. Sir, there is not a member on this floor who has so little respect for his character as not to admit that if we are forced to decide, by some inexorable precedent or established principle, against those whose property has been destroyed in Florida, we shall, in paying that homage to principle and precedent, do an act at which justice and humanity shudder.

These unoffending inhabitants were living in peace and quietude in a Territory under the protection of your laws, in possession of lands purchased from this Government, and remote from the Indian boundary which you yourselves had established, without any knowledge of a participation in the causes of that desolating war which has ravaged the largest portion of East Florida. They are the innocent sufferers, from their unfortunate contiguity to the theatre of operations, where you have attempted, in the execution of the settled policy of the Government, to acquire Indian lands, without affording adequate protection upon the approach of a war resulting from this policy, of which it is now proved that this Government was admonished and notified. It would appear to me, sir, that honorable gentlemen, who have any just sympathy for such unprovoked sufferings, or any respect for the rights of their fellow-citizens, would search for precedents, if such be necessary, to provide for their indemnification, instead of seeking an opportunity by which they may be refused. The deep interest of a large and respectable portion of my constituents in that important question, which in the course of time must come up for decision, has induced me to examine the principles upon which it rests with profound attention.

I undertake to say, sir, whenever that matter comes up for the consideration of this House, that, if there is any such usage or practice as that referred to by three gentlemen in this debate, that the United States are not responsible for losses in war, I hold myself ready to maintain that that usage and practice is in violation of well-established principles of the law of nations, and of the fundamental institutions of society. I deny its application to civilized nations, either upon principle or usage, and I deny that it has been the practice of this Government. I admit that there may be reasons why civilized nations, upon a mere question of expediency or policy, might, from the necessity of the case, and to avoid immense sacrifices, refuse indemnification, because the established maxims of civilized warfare do not justify the destruction of private property. And when any such destruction occurs, it is usually the act of some lawless freebooter, for whom the nation does not consider itself liable. I hold the true principle to be, that, as individuals have associated themselves in communities, surrendering a portion of their natural rights to the Government, in return for their promised protection, every nation is bound to demand redress of the aggressor for the destruction of private property. It was upon this principle that we did it against Spain, France, and England; and it was upon this maxim of national law that we demanded, and Great Britain acquiesced in the justice of the demand, payment for slaves deported from the United States during the last war.

It was upon this principle, too, that an agent was despatched, under a special act of Congress, to the borders of Canada, to pay for the property destroyed in the late war.

The gentleman from New York [Mr. LOVE] has told the House that, if this bill passes, and that which he anticipates is to follow for the sufferers of Florida, he shall come forward with a claim for all the losses on the Niagara frontier. Sir, I hold myself ready to show that the principles already established by your own legislation, for the losses on the Niagara frontier, will cover all those which have occurred in Florida by this unprovoked war on those who are its victims. If I am not greatly deceived, payment has been made to every individual whose property was destroyed because it was in the military occupation of the United States. This was done on the ground that, by the rules that civilized warfare has sanctioned, private property of the border inhabitants would not have been destroyed but for that military occupation. Now, sir, apply this doctrine to the case of a savage enemy, one of whose maxims, and, it may be said, the only prominent rule of warfare, is, the indiscriminate destruction of property as well as life. I deny that the principle has any where been established, or that it ever can be, upon any sound consideration of national justice or law, that the inhabitants whose property is destroyed by a barbarian enemy are not entitled to demand payment from their Government. Where is it to be found? The United States, I admit, have generally taken the lands of the Indians by conquest or by treaty, after a general pacification, and indemnified the inhabitants. I can refer to one memorable instance—that of 1814, at the termination of the war with the Creek Indians. It is not my purpose now to go into these questions. I have been waiting for a report from the committee, before I was authorized by the rules of this House to say any thing on the subject of these losses. That report, I hope, will soon be made, when the subject will undergo a thorough examination, due to its intrinsic importance, and to a suffering and ruined people. I only rose to enter my protest, as I now do, against connecting the Florida sufferers with this decision, or against the employment of any such precedent, whatever the decision may be, to that case. Let every question stand on its own merits; and if the people of Florida are to be sacrificed in a savage and bloody war, brought on by the agents of the Government of the United States, and without adequate protection, let it be done by the usual appearances and formalities of a proper consideration of the treaties, laws, and usages, which are applicable to their condition.

Before any question was taken on the bill,

The House adjourned.

SATURDAY, JANUARY 7.

The honorable Mr. GHOLSON, member from the State of Mississippi, appeared, was qualified, and took his seat.

JOHN WHITMAN.

Among the reports made to-day,

Mr. STORER, from the Committee on Revolutionary Pensions, made an unfavorable one on the petition of John Whitman, of Eastbridge, in the State of Massachusetts, for a pension for services performed in the revolutionary war.

Mr. S. moved that the report be referred back to the said committee, with instructions to report a bill granting the prayer of the said petition.

Mr. S. said he had but a few words to say in support of his motion. The petitioner was a man of the age of one hundred and two years, and he asked a pension as a revolutionary soldier. The committee had refused the pension because there was not positive evidence that the petitioner had served six months, as required by the law

of 1802. He had proved five months' service, and his own affidavit deposed to a service of six weeks longer, making more than the period of six months. He had received a commission as a lieutenant from the Continental Congress, dated March 20, 1776; and he was known to be a man of unquestionable veracity. Under these circumstances, the majority of the committee thought he had established his claim to a pension. The only question was, whether the one month's service had been sufficiently proved. The probability was that no similar case would again be brought before the consideration of Congress.

Mr. REED was understood, from his personal knowledge of the petitioner, to bear testimony to the upright character and unimpeachable veracity of that individual.

Mr. HARPER said that, after the manner in which the petitioner had been spoken of, he felt very reluctant to say a single word in opposition to the motion of the gentleman from Ohio, [Mr. Storer.] But it involved the very serious question, how far a man's own testimony could be made a justifiable ground on which to grant him a pension. During the last year he (Mr. H.) had had a case under his own charge very similar to the present. The petitioner was not quite so old, but he was nearly 70 years of age. He (Mr. H.) had gone to the department to ascertain what could be done under the circumstances; and he was there informed that, according to the existing law, it was impossible to accept a man's own testimony as the basis for giving him a pension. The individual to whom he alluded had gone 150 miles, and procured testimony as to his services for a portion only of the requisite period; and yet, if the committee had acted on his own testimony, they could have proved that he had served full six months. The application was rejected. He (Mr. H.) would not say that the petitioner might not have been justly entitled to the pension, but the principle on which the petition had been rejected was, that if you accept a man's own testimony in one case it must be accepted in another. This was a dangerous principle, and the House should be careful how it gave sanction to it.

Mr. STORER said that, under the law of 1802, probably one half of all the applicants for pensions applied for them on their own affidavits, and the law itself did not define the nature of the testimony which should be given. In the State from which he came there was no testimony, except that of a traditionary character, and the evidence of a very few persons who had survived up to this time. These were cases, therefore, which addressed themselves to the sound discretion of Congress. Frauds might take place, but it was in the exercise of that sound discretion that the prevention of frauds was to be found.

Mr. GRANGER said he regretted that the gentleman from Ohio had pressed this application by a single word beyond the simple statement of the fact that there was now existing in our country a revolutionary soldier, he cared not how short the term of service had been, who was more than 100 years of age, and who had asked for a pension at the hands of the Government.

Although an honorable gentleman over the way [Mr. Reed] had, in his boyhood, known the petitioner, he (Mr. G.) imagined that there were very few within that hall who had even seen a man so far advanced in years. The case was one in which the petitioner had not much time to lose. It was like one which Mr. G. remembered to have heard in the Legislature of the State which he had in part the honor to represent, where it was urged in favor of a bill to incorporate a benevolent institution, that the individual who wished to endow it was probably, at that very time, on his deathbed; and that, unless the bill was speedily passed, the institution would never be endowed. It might be said, in the present instance, that the petitioner, a revolutionary soldier, had proved his services within one month of the time which would have entitled him to a pension; and that the House was frittering away the few brief moments which the sands of life had yet to run, in debating whether, by granting him this pittance, they were not about to establish a most dangerous precedent. For himself, it was his sincere desire that there might be other revolutionary soldiers of that age who could avail themselves of this precedent, if indeed the patriotism of the House should be found equal to its adoption.

Mr. WARDWELL said that he thought the present application should be received as all similar applications heretofore had been. A general bill had already been reported from the committee, providing for cases in which the term of service amounted only to three months; and if that bill should pass, the petitioner could take advantage of it. He was opposed, therefore, to the present motion.

The gentleman from New York [Mr. Granger] had seemed to think that this individual was entitled to a pension merely because he had lived a hundred years. He (Mr. W.) would say that the petitioner was not half as much entitled to a pension as others of less age; because this very fact proved that he, a strong and able-bodied man, living in the State of Massachusetts during the revolutionary war, amidst scenes of bloodshed, desolation, and plunder, served only about three months out of seven long eventful years of his country's struggles. Mr. W. contended that the very fact of his age told strongly against him. He was willing to give any man a pension who had served his country during the war, even if he had only cried "huzza," and done no more. But when a man, at that time only forty-five years of age, and who might have done good service in his country's need, had given her only three months of his time, he thought it was not a case about which their tears should flow or their hearts be broken. There was, moreover, scarcely proof that he had served three months—scarcely proof that he had served at all. He was a man who gave directions and made arrangements for other men to go to battle, but who staid at home himself.

Mr. RENCHER said there was much good sense in the remarks of the gentleman from New York, [Mr. Wardwell.] He (Mr. R.) would inquire of the gentleman from Ohio, whether the petitioner had assigned any good reason why, during the whole revolutionary war, he had only served three months.

Mr. STORER said the gentleman from New York [Mr. Wardwell] was under a misapprehension as to the time of the petitioner's service. He had served more than three months. He was of a very respectable family, a man of influence in the part of the country in which he lived, and was, at the time referred to, a deacon of the church. He had done more in recruiting men, and in bringing the military together, than any other man in that section. Although only five months in service, all his acts show him to have been a good whig of that day; and Mr. S. thought that, at this distant period, it was invidious to speak of his age in the manner of the gentleman from New York, [Mr. Wardwell.]

Mr. REED corroborated the statement of the gentleman from Ohio, [Mr. Storer,] in relation to the personal influence of the petitioner in the section of country in which he resided, and to the exercise of that influence during the revolutionary war.

Mr. PEARCE, of Rhode Island, said his knowledge of what was now before the House was derived from the remarks made by gentlemen who were near him. It appears to me (said he) that the attempt is to bring this aged gentleman into the ship's cabin, through the cabin windows; he is certainly old enough to perform at least one voyage as a foremast hand. If I understand the question before us, it is this: he petitions for a pension,

and the Committee on Revolutionary Pensions have reported against him. Some gentlemen are now anxious to have this report reversed, and to allow to the petitioner what he claims. I have no objection to his having what he claims, if, upon a full investigation of it, it should be thought proper to change the character of this report; but I do not find any thing in the question presented that should lift it out of the common operation of the rules of the House.

The invariable practice of the House has been, where an unfavorable report has been made—a report thought by many to be erroneous—to refer such report to the Committee of the Whole House, cause it to be entered upon our calendar of private bills, and, when arrived at, to take the sense of the Committee of the Whole House on the question raised.

Why should we here in the House discuss the merits of a report just made, not printed, and none of the accompanying documents laid before us? We have not the means of judging correctly of its merits, for we have not the information we ought to have, before we are called upon to vote. Sir, in my opinion, this report ought to take the usual course; and if it does, the friends of the petitioner may be able to accomplish all they can desire.

But my friend from New York [Mr. GRANGER] would inquire into nothing but the age of the man; and, as he is found to be one hunrded years old and upwards, he is satisfied, and would extend his inquiries no further. Then, Mr. Speaker, it has come to this: longevity is to constitute a claim for a pension; and the man who has lived the longest, and not he who has fought the hardest, is to be pensioned by the Government. This old man, whose constitution has been invigorated by the salt air of Cape Cod, or regions round about there, for seventy or eighty years, where he resided that length of time, and who afterwards went to the State of Ohio, where he must have been retouched by the wand of Hebe, [Mr. P. was under the erroneous impression that he was now an inhabitant of Ohio,] is to be placed upon the pension roll solely on account of his old age, and is to continue a pensioner, no mortal man can tell how long. He has passed the usual time of dying, and is now as likely to live a thousand years as one day.

The gentleman from New York refers to the action of the Legislature of that State to aid him in his argument. There an act of incorporation was hurried through both branches, to enable a man who was *in extremis* to give away his property to some institution, religious, perhaps, that was capable of receiving it before he died. I do not see the bearing of the case cited; but if what has been stated be in all respects true, the statute of *mortmain* ought, if it ever were in force in that State, to be re-enacted.

I cannot, out of course, and in violation of our own rules, vote to pension a man whose claim is exclusively founded upon extreme old age. Let it be understood that longevity is to constitute hereafter a claim for a pension, and I will, if I should be a member of the next Congress, (an event, perhaps, not very probable, more especially if I should not be a candidate for re-election,) present to you pension applications in abundance; for I come from a portion of the country the most healthy of any in the world, and where the people live almost forever.

Mr. RENCHER moved to lay the report and accompanying documents on the table; which motion was rejected.

Mr. STORER then withdrew his motion to recommit, with instructions; and

Mr. REED moved to commit the report and documents to the Committee of the Whole House.

The motion prevailed; and the report and documents were committed accordingly.

PUBLIC LANDS.

The unfinished business of the morning hour was the resolution heretofore offered by Mr. C. ALLAN:

"*Be it resolved*, That a select committee of one member from each State be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Vermont, Maine, Kentucky, and Tennessee, such grants of the public lands, for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first-named States and Territories, and that said committee have leave to report by bill or otherwise. But to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same."

To which resolution Mr. VINTON heretofore offered the following amendment:

"*Resolved*, That the said inquiry extend to all the States, and that the said committee be further instructed to inquire into the expediency of inserting a clause in said bill to pay said new States the value of the improvements made by them on the public lands, or to pay to them the amount the public lands would have been assessed for taxes, if they had been private property."

Mr. JOHNSON, of Louisiana, heretofore moved to amend the resolution "by extending its provisions to all the States of the Union."

To which amendment Mr. CLAIBORNE, of Mississippi, heretofore offered the following amendment:

"And provided that no such grants shall interfere with or be located upon the claim or improvement of any actual settler on the public lands."

Mr. LANE, who was entitled to the floor, having risen to address the House—

Mr. C. ALLAN requested the gentleman from Indiana to yield the floor for a moment, to enable him to offer a modification of the first part of the preamble thereto, by substituting the word "grants," for "donations."

Mr. LANE having declined yielding the floor, the Speaker said the modification could not now be made.

Mr. L. then addressed the House at some length in opposition to the resolution. The resolution (he said) proceeded upon the supposition that nine of the new States, together with one Territory, had received upwards of eleven millions of acres of the public lands as a donation. This proposition was either true or it was untrue. If it was true, he contended it was unequal and unjust, so far as it regarded the new States. If it was not true, it was an insult offered to those nine States, and the suffering and bleeding Territory of Florida, as well as the members who represent those States on this floor. The resolution proposed to give a certain portion of the public lands to the seventeen old States; and this was unjust, because, by this proposition, the land was to be meted out to the old States, according to their population at the present time; and, when the new States had received their portion, they did not number one third their present population. According to this apportionment, Maryland, with a population of only half a million, would receive more of these lands than Indiana with eight hundred thousand citizens, and more than Ohio with a million and a half. And Kentucky, with a much smaller population, would receive more than Indiana or Ohio. It would be unjust to carry this resolution into effect, because the lands granted to the new States were not only received when the population of

the States was small, but when the lands were an unbroken wilderness, when there were no roads, no mills, no meeting-houses, no school-houses, and were only inhabited by wild beasts and the roving savages. But now, when all the comforts of life were to be found in the vicinity of those lands, the old States were to come in for a portion of them, equal to those granted to the new States. Who raised the value of those lands? Those who remained at home in ease, comfort, and luxury, or those hardy pioneers who went into the wilderness, subdued the savage, and made it smile and blossom as the rose? The old States, by this resolution, were to come in for a share of these lands, when they were not only easy of access, but when their value was raised by the enterprise and industry of the citizens of the new States. This Mr. L. considered unjust.

Was it true, or was it untrue, that these lands were given to the new States as a donation? He always understood that a donation was a gift, and not founded upon any considerations but those of kindred or affection. Every thing which was founded upon contracts, however trifling the consideration, was a valuable consideration, and was equally binding on the parties, regardless of the amount of the consideration. Then, was the proposition true, that the new States received these lands as a donation? He proceeded, then, to show that they had not received an acre of land, except by a contract founded upon a *bona fide* consideration, and read extracts from the ordinance admitting Ohio, &c. into the Union, in support of his position. Mr. L. said that by this ordinance it would be seen that the lands had been received by the new States, on the condition that they would not tax the public lands while belonging to the Government, and for five years after their sale; and that the Government should retain the salt springs and all minerals found thereon.

Mr. L. had not concluded his remarks when, the hour having elapsed, Mr. E. WHITTLESEY called for the orders of the day.

Mr. YELL, by consent, offered an amendment to the above resolution, in order that the same might be printed.

And, on motion of Mr. Y., the resolution, with all the pending amendments, were ordered to be printed together.

MILITARY TACTICS.

Mr. W. THOMPSON said it was with extreme reluctance that he intruded himself on the attention of the House at this particular time, but he for some time had had in his possession two important resolutions, which he was anxious to offer, and which would not create any present debate. He asked that they be read for the information of the House.

Mr. JARVIS having objected to the reading of the same,

Mr. THOMPSON moved a suspension of the rule for that purpose; which motion prevailed.

The resolutions were then read, as follows:

Resolved, That the Committee on the Militia be directed to inquire into the expediency of causing to be published, at the expense of the United States, an edition of the work of General Macomb and Major Cooper, on Tactics, &c.; sufficient to furnish each commissioned militia officer in the United States with a copy.

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of causing an examination to be made, by a board of officers of rank and experience, of the improvements in firearms by Cochran, Hall, Colt, and Baron Hackets, so as to exhibit, in tabular statements, the advantages of each in all important military points of view, and, especially,

1. Celerity of fire.
2. Efficiency of fire.
3. Extent of recoil.
4. Simplicity and cheapness of construction.
5. Durability.
6. Saving in ammunition and appendages.
7. Inconvenience from heated barrels in rapid firing.
8. Number of charges which may be carried by an infantry soldier.
9. Advantages when used against a charge by cavalry.
10. Advantages when used by cavalry.

Mr. THOMPSON then moved a suspension of the rule to enable him to offer the said resolutions; which motion was rejected. So the rule was not suspended.

STATE OF MICHIGAN.

Mr. THOMAS asked the general consent of the House to take up the bill from the Senate, then lying on the Speaker's table, entitled "An act to provide for the admission of the State of Michigan into the Union, upon an equal footing with the original States." Objection being made,

Mr. VANDERPOEL moved a suspension of the rules for the purpose; which was agreed to: Ayes 119, noes 2.

The bill was then read a first and second time.

Mr. THOMAS said he was instructed by the Committee on the Judiciary to move that the further consideration of this bill be postponed until Tuesday next, and that it be made the special order for that day, and each succeeding day thereafter, Fridays and Saturdays excepted, from and after the hour of one o'clock, until disposed of.

Mr. T. remarked that it was proper he should take that occasion to say that, in the Judiciary Committee, as was doubtless the case in that House, there was a wide difference of opinion as to the mode of action the House itself should adopt, in disposing of this bill, when it should come up for consideration. Mr. T. was about proceeding, when

The CHAIR interposed, and reminded the gentleman that the motion was not debateable.

Mr. ROBERTSON moved that the bill be committed to the Committee of the Whole on the state of the Union, and be made the special order of the day for Tuesday next.

The CHAIR remarked that the motion to postpone took precedence.

Mr. JARVIS inquired whether, if the bill should be committed, it would be competent for a bare majority of the House to take it up and consider it.

The CHAIR replied that it would be competent for the Committee of the Whole on the state of the Union, when in committee, to take it up; and it would be competent for a majority of the House to go into Committee of the Whole upon this when all the other orders on the Speaker's table had been disposed of.

Mr. HARDIN wished to make a single remark. The bill involved an appropriation, inasmuch as it provided that Michigan should receive her portion of the surplus money. Now, whether the bill should be considered by the House as embracing an appropriation or not, Mr. H. considered it virtually—

The CHAIR said he was compelled to arrest debate. The motion to make the bill the special order, thereby giving it precedence over all other business, being one of priority, could not, under the rules, be debated. He added that it would require a vote of two thirds to carry the motion.

Mr. ADAMS expressed a hope that that motion would prevail.

The question, being taken, was lost: Ayes 99, noes 71—not two thirds.

The motion of Mr. Robertson, to commit, then recurring—

Mr. THOMAS rose and said it was his original pur-

pose, as it was then his wish, not to interpose between the business of the House; and he therefore moved to postpone the further consideration of this bill until Tuesday next.

This motion took precedence of the other.

Mr. ROBERTSON said he would state, in a few words, the grounds upon which he had made the motion to commit. It was not with a view to produce a protracted debate, but because it appeared to him that a bill of such magnitude as this, providing for the admission of a State into the Union, demanded such a commitment if any bill ever did. If bills of this character were not to be committed to a Committee of the Whole on the state of the Union, he could imagine no bill deserving to be committed to that committee.

But there was an additional reason. The bill, though not in direct terms, did, in substance, contain a provision for an appropriation of public money; for it placed the State of Michigan, in regard to the distribution of the surplus treasure, upon the same footing with the other States. What was the effect of that provision? The right to receive a large portion of the public money, with the possibility that not one dollar of it would ever be demanded back again; thereby, in effect, contemplating a final disposition of it. Upon that ground, he moved that the bill be committed to a Committee of the Whole on the state of the Union.

The motion to postpone was agreed to: Ayes 95, noes not counted.

The CHAIR, in reply to a question from a member, said that when the bill came up on Tuesday, it would be open to all the other motions made that day.

The House then passed to the private orders, and took up the bill for the relief of the representatives of

WILLIAM ANDERSON.

The debate was continued by Messrs. SHIELDS, EVERETT, and WARD, when

Mr. HOWELL called for the yeas and nays on ordering the bill to be engrossed; which were ordered, and were: Yeas 52, nays 96. So the bill was rejected.

Some other private business was transacted; after which,

The House adjourned.

MONDAY, JANUARY 9.

FOREIGN AUTHORS.

Mr. ADAMS rose and said he was desirous to make the general inquiry, whether any member of the House was charged with a petition from the authors of Great Britain to the Congress of the United States. If any gentleman was charged with such a petition, he (Mr. A.) had nothing further to state; he did not know but that the chairman of the Committee of Ways and Means [Mr. CAMBRELENG] had such a petition in his hands.

Mr. A. explained that his reason for making the inquiry was, that he had received a letter from a respectable person in England, Miss Harriet Martineau, enclosing a printed address or petition from certain authors of Great Britain to the Congress of the United States; and although the request was very distinct that he would favor the object of the petition, yet no positive request was made that he would present it. As the petition was merely a printed paper, without any signature, he did not feel himself at liberty to present it, if, as he presumed, there was in the possession of any other member of the House, who would present it, a petition regularly signed.

Mr. CAMBRELENG said he had no such paper in his possession.

And as it did not appear that any other member was charged with the presentation of the same, Mr. ADAMS said he would wait another week or two; and if a formal petition should not be presented by that time, he would present the one which had been forwarded to him.

ABOLITION OF SLAVERY.

Mr. ADAMS offered to present the petition of one hundred and fifty women, whom he stated to be the wives and daughters of his immediate constituents, praying for the abolition of slavery in the District of Columbia; and moved that the petition be read.

Mr. GLASCOCK objected to its reception.

Mr. ADAMS said that, in reference to the reception of the petition, he did not know that he had any observations to make, except that he considered that the obligation rested on the House to receive this petition, and he felt himself bound by his duty to present it.

Mr. BOON rose to a question of order. He would inquire whether, under the rule, a petition could be debated on the day of its presentation.

The SPEAKER said that, under a decision made at the last session of Congress, and which had been sanctioned by a large majority of the House, the question of "reception" was not included in the 45th rule, and that therefore it was debateable at the time the petition was presented.

Mr. ADAMS said he had not expected that any objection would have been made to the reception of this petition, inasmuch as one petition of a similar character, presented by himself, had already been received. At the last session of Congress, after much consideration and debate, it had been decided, as formally as any thing could be, that petitions of this description should be received; and the House had made a special order as to the manner in which they should be treated after they had been received. He considered that that precedent was good, at least so far as that the petition should be received. The decision of the House at the last session of Congress went quite far enough towards suppressing the right of petition in the citizen, and quite far enough towards the suppression of the freedom of speech in this House. It was proposed now to go one step further: the motion of the gentleman from Georgia went to settle the question, that a petition so interesting and important as the one under discussion could be presented, and should not be received—a proposition directly in the face of the constitution itself. Now, he hoped that the people of this country would be spared the mortification and the injustice and the wrong which would be inflicted upon them by their immediate representatives, by a decision that such petitions should not be received. No such example had been given. It was, indeed, true that all discussion, all freedom of speech, all freedom of the press, on this subject, had, within the last twelve months, been violently assailed; and assailed, too, in every form in which the liberties of the people could be assailed. This was the truth. He had lamented the decisions and determination of the House at the last session of Congress, even so far as they went. He considered them as outrages on the constitution of the country and on the freedom of the people. The present proposition proposed to go one step further. He hoped that step would not be taken, and that it would not receive the sanction of that House. It was always in the power of the House to reject petitions, after they had been considered; and the House, by a large and overwhelming majority, had given evidence enough to the country that they had no disposition to favor petitions of this character; that they were ready, too ready, to state their views against such petitions, and to reject the prayer of them. Amongst the outrages that would be endured by that portion of the people of this country whose aspirations were raised to the great-

est improvement that could possibly be effected in the condition of the human race—the total abolition of slavery on earth—that of calumny was one of the most glaring. Their petitions were not only to be treated with contempt, as at the last session of Congress, but the petitioners themselves were to be loaded with foul and infamous imputations, poured upon a class of citizens as pure and as virtuous as the inhabitants of any section of the Union. Such, he had no doubt, were the petitioners whose names were appended to the present petition. They were females. To men animated by that sentiment which does honor to human nature, this fact alone, in his opinion, was a recommendation for the reception of the petition.

He had said that the petition was signed by one hundred and fifty females, the wives and daughters of his immediate constituents. They were, many of them, sisters and mothers of his constituents. Every member of the House (said Mr. A.) has, or had, a mother; and he appealed to the feelings of every member to say whether, in the whole class of human affections, there was one sentiment more honorable, or more divested of earthly alloy, than that which every man must entertain for his mother. Let him put a case, and suppose that the own mother of any member of the House was one of the petitioners. He (Mr. A.) would ask that member whether he would reject and turn the petition out of doors, and say that he would not even hear it read? The petition was perfectly respectful in its terms and language; it consisted of nothing more than four or five lines, which could be read in half a minute. What! (said Mr. A.,) do I speak to men? and do they say that they will not even listen to a petition coming from such a source? What had he, or this House, to fear from female petitioners? Were insurrection, and bloodshed, and slaughter, to be apprehended from the petition of women? There was no such disposition; there was nothing of an inflammatory character or tendency contained in the petition itself. He hoped that the gentleman who had objected to its reception would withdraw his objection. He hoped so, for the sake of that gentleman's character as a man; for the sake of his character as a son; and he hoped that no senseless or cowardly influence would deter that gentleman from doing justice to these females, so far as to allow the petition to be received without objection.

Mr. GLASCOCK said it was well known what position he had taken on this question during the last session of Congress; and if, on the present occasion, he were to accede to the proposition of the gentleman from Massachusetts, which, however, he had no disposition to do, it would be inconsistent with, and an entire abandonment of, the principle which, at that time, he and those acting with him had assumed. In reference to the female petitioners, to whom the gentleman had so eloquently alluded, he would say that no man would show or pay higher regard to a petition coming from such a quarter, on a proper subject, than he (Mr. G.) would show. But, from the course pursued, and the scenes presented at the last session, and from indications at the present, it was time that all those members of the House, who believed they had the constitutional right to reject these petitions, should now exercise that privilege which they conceived to be secured to them by the constitution, and to have their votes recorded against petitions of this character.

If this were a new subject, upon which the sense of this House had never been taken, and a petition, emanating from such a source, had been presented, he would have responded to it as promptly as any member on the floor. But did not the gentleman from Massachusetts know that, even if the petition had been received, it would, by the almost unanimous vote of the House, without being read, and without action of any kind being had upon it, be laid upon the table, where, as the gentleman himself had once said, it would sleep "in the tomb of all the Capulets?" It was indeed true that the petition had emanated from wives, and mothers, and daughters; but he must say that he doubted very much whether all petitions of this nature were not presented for effect of some kind or other, and that these females were improperly influenced by men in the community in which they resided. The gentleman had said that those who had mothers and daughters ought to pay some regard to this petition, otherwise it would be to treat them, as it were, with disrespect. If he (Mr. G.) were situated as was the gentleman from Massachusetts, had seen the many votes which had been taken on this subject, and been a witness to the excitement which had been produced by means of similar applications, his (Mr. G's) language to a mother and a daughter would have been very different from the language of that gentleman. He (Mr. G.) would have told them that their petition might be just and right, according to the views of those by whom they were immediately surrounded, yet that they ought not to raise their voices at this time; that their petitions were creating an excitement which ought to be put down, and he would advise them to pause in their course. Did the gentleman from Massachusetts, in appealing to the feelings of the House, suppose that the people of the South were not as much entitled to sympathy as those who were less delicately placed? In the mind of any reflecting man, could any good result from the reception of these petitions? They were not to be acted upon, and no good could result from their presentation, though evil might.

The gentleman from Massachusetts had thought proper to advise him, (Mr. G.,) for the sake of his character as a man, to withdraw his objection. Were he to do so, he would prove recreant not only to his own feelings, but to the feelings of thousands who sent him here, and whose interests he represented. His only object was, that those who agreed with him that the petition should not be received might have an opportunity of recording their votes, and of showing what their course was to be. He wished to have a vote on the direct question, "Shall the petition be received?" so that those who believed they had the constitutional right to reject it might, by their vote, record that opinion on the journals of the House.

Mr. PARKS said that, believing this discussion could be productive of no good, but might be productive of evil, he would move that the preliminary motion on the reception of the petition be laid on the table.

In reply to an inquiry from Mr. GLASCOCK,

The SPEAKER said that the effect of this motion, if carried, would be simply to arrest the action of the House on the petition, and not to lay the petition itself on the table.

Mr. REED called for the yeas and nays on that motion; which were ordered, and, being taken, were: Yeas 130, nays 69.

So the preliminary motion was laid on the table.

Mr. ADAMS said that, if he had understood the decision of the Speaker in this case, it was not the petition itself which was laid on the table, but the motion to receive. Now, in order to save the time of the House, he wished to give notice that he should call up that motion for decision every day, so long as he should be permitted to do so by the House; because he should not consider his duty accomplished so long as the petition was not received, and so long as the House had not decided that it would not receive it. This was an operation to which he could not consent.

Mr. PINCKNEY rose to a question of order, and inquired if there was now any question before the House.

The SPEAKER said he had understood the gentleman from Massachusetts as merely giving notice of a motion hereafter to be made. In doing so, it certainly was not in order to enter into debate.

Mr. ADAMS said that, so long as freedom of speech was allowed to him as a member of that House, he would call up that question until it should be decided.

[Mr. ADAMS was called to order.]

Mr. A. said he would then have the honor of presenting to the House the petition of 228 women, the wives and daughters of his immediate constituents; and, as a part of the speech which he intended to make, he would take the liberty of reading the petition. It was not long, and would not consume much time.

Mr. GLASCOCK objected to the reception of the petition.

Mr. ADAMS proceeded to read that the petitioners, inhabitants of South Weymouth, in the State of Massachusetts, impressed with "the sinfulness of slavery, and keenly aggrieved by its existence in a part of our country over which Congress"—

Mr. PINCKNEY rose to a question of order. Had the gentleman from Massachusetts a right, under the rule, to read the petition?

The SPEAKER said the gentleman from Massachusetts had a right to make a statement of the contents of the petition.

Mr. PINCKNEY desired the decision of the Speaker as to whether a gentleman had a right to read a petition.

Mr. ADAMS said he was reading the petition as a part of his speech, and he took this to be one of the privileges of a member of the House. It was a privilege which he would exercise till he should be deprived of it by some positive act.

The SPEAKER repeated that the gentleman from Massachusetts had a right to make a brief statement of the contents of the petition. It was not for the Speaker to decide whether that brief statement should be made in the gentleman's own language, or whether he should look over the petition, and take his statement from that.

Mr. ADAMS. At the time my friend from South Carolina—

The SPEAKER said the gentleman must proceed to state the contents of the petition.

Mr. ADAMS. I am doing so, sir.

The SPEAKER. Not in the opinion of the Chair.

Mr. ADAMS. I was at this point of the petition:

"Keenly aggrieved by its existence in a part of our country over which Congress possesses exclusive jurisdiction in all cases whatever"—

Loud cries of "Order! order!"

Mr. A. proceeded:

"Do most earnestly petition your honorable body"—

Mr. CHAMBERS, of Kentucky, rose to a point of order.

Mr. A. proceeded:

"Immediately to abolish slavery in the District of Columbia"—

Mr. CHAMBERS reiterated his call to order, and the Speaker told Mr. ADAMS to take his seat.

Mr. A. proceeded, (with great rapidity of enunciation and in a very loud tone of voice:)

"And to declare every human being free who sets foot upon its soil."

Mr. CHAMBERS insisted on his point of order, and the Speaker again, with great earnestness of manner, told the gentleman from Massachusetts to take his seat.

Whereupon Mr. A. yielded the floor.

Mr. CHAMBERS then stated his point of order. The rule of the House provided that every member, on presenting a petition, should state briefly the substance of it. Could that rule be evaded by any gentleman who chose to avow that he would read the petition as a part of his speech? He would be the last man in the world to disturb any gentleman in his remarks, but he thought this course entirely out of order.

The SPEAKER read the rule of the House applicable to the question. It is as follows:

"*Rule* 45.—Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were read."

The SPEAKER said he would give his decision if it should be insisted on; but he thought much time might be saved by not pressing a decision at this time, because he understood that the gentleman from Massachusetts had gone through the greater part of the contents of the petition.

Mr. CHAMBERS said that his objection was as to the principle, whether a member had a right to read a petition as a part of his speech. He insisted, respectfully, on having the decision of the Chair.

The SPEAKER said that he decided, then, that it was not in order for a member to read a petition, whether it was long or short. By the provision of the rule, whatever petition a member might present, he was bound to make, verbally, "a brief statement of the contents." It would be an abuse of the intent of the rule for a member to rise before a petition was received, and when its reception was objected to, and proceed to read a long memorial. So far as the principle was concerned, it was the same in the case of a short memorial as a long one; otherwise the rule, which looked to economy in the time of the House, would be a nullity.

Mr. ADAMS said that, as he intended to appeal from the decision of the Chair, he would request the member from Kentucky to reduce his point of order to writing, and he would likewise request the Speaker to reduce his decision to writing. He appealed from any decision which went to establish the principle that a member of the House should not have the power to read what he chose. He had never before heard of such a thing. If this practice was to be reversed, let the decision stand upon record, and let it appear how entirely the freedom of speech was suppressed in this House. If the reading of a paper was to be suppressed in his own person, so help him God, he would only consent to it as a matter of record.

The SPEAKER repeated the grounds of his decision, and, in support of it, read from Jefferson's Manual a clause setting forth, in substance, "that a member had no right to read a paper; but that such rigor was not practised except there was an intentional or gross abuse of the time of the House. Strictly, also, by that rule, a member could read his own speech, if written," &c. The Speaker said his decision was founded mainly on the 45th rule of the House, which required that a "brief statement of the contents" should alone be made. He was of opinion that it was an invasion of this rule to permit a member, as matter of right, to read any paper he chose to present, as a part of that brief statement.

Mr. PATTON rose to express his concurrence in the decision of the Speaker. He thought, however, it would have been better not to have raised the question in this form, because, substantially, the gentleman from Massachusetts would effect his object when he made his speech on the question of "reception;" a question which the House had decided to be debateable. He thought it would be better not to consume the time of the House in the discussion, and he hoped the gentleman from Kentucky [Mr. CHAMBERS] would withdraw his objection, and not appeal from the decision of the Chair.

Mr. CHAMBERS said that, if he had the power to appeal, he did not intend to exercise it. But the gentleman from Virginia [Mr. Patton] was mistaken as to the practical effect of the question which he (Mr. C.) had raised. A member could not do by a sidewind that which he had not the power to do directly. There was no member of the House whom he would indulge so much on a subject as the gentleman from Massachusetts; but he (Mr. C.) thought there was an important principle involved, which ought to be decided. The House must either give a man the right to read every thing he liked, or they must restrict him in every instance. He could not withdraw his objection.

The point of order was debated further by Messrs. BRIGGS, HARPER, CHAMBERS, and ADAMS, the latter gentleman contending that, inasmuch as the whole petition was in five lines, he could not himself give verbally a more "brief statement of the contents" than the petition itself gave.

The SPEAKER presented, in writing, the substance of his decision, that it was not in order for a member to read the whole petition if objected to, but that he had only the right to make "a brief statement of the contents thereof."

Mr. ADAMS said he proposed to withdraw his appeal, in order to save the time of the House, if the gentleman from Kentucky would permit him to complete his "brief statement of the contents" of the petition. It was, indeed, so brief, that to read the petition in its own language was the briefest statement that could be made.

Mr. A. then read from the petition that the petitioners "respectfully announced their intention to present the same petition yearly before this honorable body, that it might at least be a memorial in the holy cause of human freedom, that they had done what they could."

These words were read amidst tumultuous cries for order from every part of the House. And order having at length been restored,

Mr. ADAMS withdrew his appeal.

The question then recurred on the objection of Mr. Glascock to the reception of the petition.

After some remarks from Mr. DAWSON, deprecating any excitement on the subject, and condemning, in strong terms, the conduct of the fanatics in agitating it—

Mr. BOON moved to lay the preliminary motion of reception on the table.

Mr. GLASCOCK urged the House to take the vote on the direct question of reception.

After some desultory conversation on points of order,

Mr. BOON withdrew his motion to lay the preliminary motion of reception on the table.

Mr. A. MANN said that, as this question had been most fully discussed at the last session of Congress, and as the House had at that time resolved that these petitions should be laid on the table without being referred or printed, he would, to save the time of the House, call for the previous question.

And the House seconded the call: Ayes 114, noes not counted.

And the House determined that the main question should now be put.

Mr. PHILLIPS called for the yeas and nays on the main question; which were ordered.

And the main question, "Shall the petition be received?" was then taken, and decided in the affirmative, as follows:

Yeas—Messrs. Adams, H. Allen, Anthony, Bailey, Beale, Bean, Bockee, Bond, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, W. B. Calhoun, Cambreleng, Carr, Carter, Casey, G. Chambers, Chaney, Chapin, Chetwood, Childs, Clark, Cleveland, Corwin, Cramer, Crane, Cushing, Cushman, Darlington, Denny, Doubleday, Evans, Everett, Fairfield, Farlin, Fowler, French, Fry, Fuller, Galbraith, Gillet, Granger, Grantland, Grennell, Haley, J. Hall, H. Hall, Hamer, Hard, Hardin, Harper, S. S. Harrison, Haynes, Hazeltine, Henderson, Hiester, Hoar, Holt, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, Janes, Jarvis, Cave Johnson, B. Jones, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawrence, G. Lee, T. Lee, Leonard, Lincoln, A. Mann, J. Mann, M. Mason, S. Mason, McCarty, McComas, McKay, McKennan, McKeon, Milligan, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, F. Pierce, D. J. Pearce, Pearson, Phelps, Phillips, Potts, Reed, John Reynolds, Joseph Reynolds, Russell, Schenck, Seymour, Shinn, Sickles, Slade, Sloane, Smith, Sprague, Storer, Sutherland, Taylor, J. Thomson, Toucey, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, E. Whittlesey, T. T. Whittlesey, S. Williams, Young—137.

Nays—Messrs. Ash, Ashley, Barton, Bell, Black, Bouldin, Bunch, Bynum, J. Calhoon, Campbell, John Chambers, Chapman, N. H. Claiborne, J. F. H. Claiborne, Coles, Connor, Craig, Davis, Dawson, Deberry, Dromgoole, Dunlap, Elmore, Forester, J. Garland, R. Garland, Gholson, Glascock, Graham, Graves, Grayson, Griffin, Hannegan, A. G. Harrison, Hopkins, Howard, Huntsman, Jenifer, R. M. Johnson, H. Johnson, Lawler, L. Lea, Lewis, Loyall, Lucas, Martin, Maury, May, McKim, McLene, Mercer, Miller, Patton, Pettigrew, Peyton, Pickens, Pinckney, Rencher, Richardson, Robertson, Rogers, W. B. Shepard, A. H. Shepperd, Shields, Standefer, Steele, Taliaferro, Thomas, W. Thompson, Underwood, Washington, White, L. Williams, Yell—74.

So the petition was received.

Mr. HAYNES moved that the petition be laid on the table.

Mr. ADAMS moved that it be referred to the Committee for the District of Columbia.

The SPEAKER said the motion to lay on the table had precedence; and Mr. ADAMS called for the yeas and nays on that motion; which were ordered.

Mr. PINCKNEY inquired if the motion of the gentleman from Georgia [Mr. Haynes] was susceptible of amendment.

The SPEAKER said it was not.

Mr. PINCKNEY asked the gentleman from Georgia to withdraw his motion, in order to enable him to substitute a more comprehensive proposition; the object of which was, that not only this memorial, but all others of a similar character, should be laid on the table. He wished to offer a resolution to that effect.

Mr. HAYNES said, if his motion was susceptible of such an amendment, he was willing it should be made.

The SPEAKER said that such an amendment was not in order.

And the question on the motion to lay the petition on the table was then taken, and decided in the affirmative, as follows:

Yeas—Messrs. Anthony, Ash, Barton, Bean, Bell, Black, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Bynum, John Calhoon, Cambreleng, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Chetwood, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dromgoole, Dunlap, Efner, Elmore, Fairfield, Farlin, Forester, Fowler, French, Fry, Fuller, Galbraith, James Garland, Rice Garland, Gillet, Graham, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hamer, Hannegan, Harlan, Albert G. Harrison, Haynes, Holt, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Jarvis, Jenifer, Richard M. Johnson, Cave Johnson, Henry Johnson, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Thomas Lee,

Luke Lea, Leonard, Loyall, Lucas, Job Mann, Martin, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Pettigrew, Peyton, Phelps, Pickens, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Standefer, Steele, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Wagener, Washington, Webster, Weeks, White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Yell, Young—150.

NAYS—Messrs. Adams, Heman Allen, Bailey, Beale, Bond, Borden, Briggs, William B. Calhoun, Childs, Corwin, Crane, Cushing, Darlington, Denny, Evans, Everett, Granger, Haley, Hiland Hall, Hardin, Harper, Samuel S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Hunt, Ingersoll, Ingham, Janes, Lawrence, Lincoln, Samson Mason, McCarty, McKennan, Milligan, Parker, Dutee J. Pearce, Pearson, Phillips, Potts, Reed, Russell, Slade, Sloane, Sprague, Storer, Vinton, Wardwell, Elisha Whittlesey—50.

So the petition was ordered to lie on the table.

Mr. ADAMS then presented a third petition, from forty inhabitants of the town of Dover, in the county of Norfolk, Massachusetts, praying for the abolition of slavery and the slave trade in the District of Columbia, and moved that the petition be read.

Mr. LAWLER objected to its reception.

Mr. UNDERWOOD said that he had just voted against receiving a petition presented by the gentleman from Massachusetts, [Mr. ADAMS,] but he had been overruled by a large majority of the House. The petition was received, and laid on the table, there to sleep the sleep of death. No sooner is this done, than the same gentleman offers another petition of the same character, praying for the abolition of slavery and the slave trade in the District of Columbia, coming from a portion of the people of Massachusetts represented by him. I have been (said Mr. U.) a silent witness of the proceedings had at the present and preceding sessions of Congress on this exciting subject; but I now rise to assign a few reasons for the vote I have just given, and for the vote which I shall again give against the reception of the petition now presented.

Slavery in the United States exhibits two distinct aspects. The one is national, the other local. It is national so far as the constitution of the United States makes it the basis of representation and taxation, by requiring three fifths of the slaves to be added to the whole number of free persons. It is also national so far as the constitutional provision requires those slaves who escape and flee to the non-slaveholding States to be delivered up; and so far as the legislation of Congress, in pursuance of this or any other article of the constitution, operates upon the subject. It is local so far as the legislation of the States controls the subject. The constitutions and laws of the States which tolerate slavery, and prescribe the treatment of the slave, defining the relations he bears to the State as a person, and those between him and a master as property, are local. Congress has no jurisdiction over these local regulations, and can nowhere alter or abrogate them, unless it be in this District. The laws of Virginia and Maryland, which have instituted slavery in this District, and which now uphold it, are local, and not national. Their effect is confined to the ten miles square, and they operate upon the people within the District exclusively.

Now, sir, I desire to know what right (for I shall consider the question as one of right) the people of Massachusetts have to petition us to repeal or modify the local regulations and laws which do not operate upon them, or within their territory, but which govern a different people, who do not complain, and who may be entirely satisfied, and wholly opposed to any change. We are told that we must receive and act upon this and all similar petitions, lest we subvert the sacred right of petition. I deny that there is any right of petition, where the grievance complained of does not operate upon the petitioners. I admit that you may receive any petition through courtesy, without regard to its object or the quarter whence it comes; and in the general it would be best to do so. But the attempt is made to force these abolition petitions upon the consideration of Congress as a matter of right; and it is against that attempt, upon such a pretext, I protest. Sir, these petitioners, as I conceive, are officiously intermeddling with the affairs of other people, when they had better mind their own business.

If the people of Massachusetts are dissatisfied, and feel aggrieved by the existence of slavery in any one of its national aspects, they have a right to petition for redress; and we are bound, whenever petitions come before us, as of right, to hear their complaints, and to decide upon them. The right of the citizen to petition is moral and political, and imposes a corresponding obligation on those to whom the petition is addressed to hear and decide. These rights, however, are not of that class denominated perfect or legal, because they cannot be judicially enforced. If any portion of the people of Massachusetts were to petition us to modify or change the laws prescribing the mode for reclaiming fugitive slaves, or pray us to recommend to the States an alteration of the constitution, so as to place representation and taxation upon the basis of free white population exclusively, I should feel it to be a duty to receive and consider such petitions, because they relate to national topics—to matters affecting and operating upon the people of Massachusetts, growing out of the existence of slavery. But when the people of Massachusetts, or of any other State, begin to pry into the local regulations of another people, and to complain of them, I feel no obligation of duty to listen.

I will illustrate the distinction I have endeavored to present by putting a few cases. Suppose the inhabitants of Europe, or any portion of them, were to petition us to repeal our tariff laws, and to raise revenue by a direct tax on land only, would we be bound to receive and act upon such petition? Certainly not. Why? Because our system of taxation, whatever it may be in reference to foreign nations, is local, and their people have no right to interfere. The operation of this Government with foreign States is such that our laws may often affect the interests of foreigners; and, if they should affect those interests injuriously, and in violation of the laws of nations, foreigners thus injured might rightfully petition us for redress; because the welfare of mankind requires obedience to the principles of international law, and by the tacit consent of all civilized nations these principles have been adopted in such manner as to make them one people in respect to the code of nations; and hence a foreigner who suffers from a violation of these principles has the same right to petition for redress that a citizen would have. But this would give the foreigner no right to petition on a subject touching our domestic regulations; and, if he did so petition, it would be optionary with us to receive or reject; and if we did the last, he could not complain that his rights were contemned.

Suppose the petitioners who now come before us had addressed their petition to the Legislature of Kentucky, praying for the abolition of slavery in that State: would the Legislature of Kentucky be bound to receive and act upon it? Certainly not. Why? Because slavery in

Kentucky is a local, domestic regulation, in reference to the people of Massachusetts. Kentuckians possess just the same right, by petition, to call on the Legislature of Massachusetts to change her laws in regard to apprentices, paupers, or infants, as the Yankee (and I use the term in no offensive sense) has to call on Kentucky to abolish slavery. If Kentuckians were to forward such a petition in the most respectful terms, if it was received and read, after its contents had been briefly stated by the mover, it would be an act of courtesy, and not of strict right. If year after year petitions of the same kind were forwarded, and that, too, after the first had been considered and disposed of, the Legislature to whom they were addressed might justly say to the petitioners, "You have evinced an unbecoming importunity, an over anxiety to interfere in our domestic and local affairs; and however praiseworthy your motives, as it is not a matter of right on your part, we will no longer submit to annoyance. We reject your petition without hearing it read, the mover having briefly stated its contents."

Of the soundness of the foregoing principles I think it will be difficult to create a doubt; and I presume, if my remarks are met in debate, an attempt will be made to show that slavery in this District is not a local but a national matter, and hence concerns every portion of the American people. I admit, if it be not local, but national, then the petition offered should not only be received, but it ought to be referred, and duly considered. How is slavery in this District converted into a national instead of a local question? Is it because the Congress of the United States, being a national body, may legislate concerning it? The nationality of the body does not prove that its legislation in its operation and consequences must be national and general. It is a proposition too clear to admit of dispute, that all our Legislatures, both State and national, pass hundreds and thousands of acts, local and private, which do not affect the whole State or nation. It is preposterous to assert that, because Congress is a national body, it can in no case legislate for local or private purposes. In the general, its local and private legislation is in furtherance of some of the constitutional powers vested for general national purposes; and whenever that is the case, I admit that the principle which governs such legislation is of national concern, and that all or any of our constituents have a right to be heard on this floor in relation to the principle, by petition, memorial, or remonstrance. Thus, an act allowing a pension to A B, although private, may involve a principle of national importance. The legislation of Congress over the District of Columbia, so far as the rights of property of the citizens are concerned, is a very different thing, and no way analogous in principle to the passage of a private pension law. The legislation for this District with a view to protect the citizen, unconnected with the Government, in the enjoyment of life, liberty, and property, does not possess a single national aspect. It is exclusively local, and confined to the ten miles square, and has no operation whatever upon the people of Massachusetts, unless they should happen to be visiters here. Congress, by the constitution, has the exclusive right to legislate for this District, and it may be said that such a power would never have been conferred but for a national purpose. Concede it, and nothing is gained from the concession against my argument. All that the constitution intended by the grant of exclusive legislative power to Congress over the District was to place the members of Congress, the executive head of the Government, and all its officers, necessarily congregated at one point, beyond the control and influence of State laws, which in many cases might have been made harassing and oppressive; so much so as to prevent their strict attention to official duty. To escape the danger which might have resulted from State legislation over the officers, legislative, executive, and judicial, of the General Government, the constitution conferred the power of exclusive legislation over the District on Congress. So far as the power is exercised for the benefit of the officers of the Government, and to enable them to proceed with the discharge of their duties free from extraneous and deleterious influences, it may be national. But when it is exercised for the protection of the property, or for the purpose of declaring what shall or shall not be property in the District, it is strictly local, and not general or national; and the laws which emanate from its exercise, for the benefit of the people of the District, are as unconnected with the people of the States as are the laws of the several States with the people of any other State.

The fact that the people of Massachusetts may come here occasionally as visiters gives them no right to petition Congress for a change in the local laws passed for the benefit of the people of the District. If that fact is made the basis of their right to petition, it would equally authorize them to petition the Legislatures of every State tolerating slavery for its abolition; for they have a right to visit in all the States, and are "entitled to all privileges and immunities of citizens" in the State to which they go.

I will put another case illustrative of my idea. I will show that the people of the same State, in many cases, have no right to petition their State Legislatures concerning public matters in their own States. A township or incorporated city imposes taxes, or makes regulations for the government of the people within the township or city. The inhabitants of a distant township hear of the proceedings, their philanthropy is excited, they perceive, or fancy they do, great oppression, and memorialize the Legislature to put an end to prevailing abuses in the township or city about which they have heard much, but within whose borders they never were in the whole course of their lives. How ought the Legislature to treat such a petition, especially when the people of the township or city subject to the oppressive laws made no complaint? The proper response, in my opinion, would be to say to the petitioners, "You are conceited; you have a high opinion of yourselves, and a mean opinion of your neighbors, and you presume to judge of laws and regulations of which you have no experience, more correctly than those who feel their operation. We are not disposed to encourage your vanity. We reject your petition without reading it, being briefly informed of its contents."

If my constituents were to send me a petition in favor of abolishing slavery in this District, and request me to present it to this House, as an act of courtesy to them I should offer it; but as an act of duty to the people of this District, whose representative I am, being constituted such by the constitution, I would vote against its reception. I am a Representative on this floor, having a three-fold duty to perform: first, I am to legislate for the whole nation, and to watch over the general interests of the whole people; secondly, I am to keep an eye upon the local interests of my particular State and district; and, thirdly, I am to attend to the local interests of the people of this District. I mean to make all these duties harmonize. If any of my immediate constituents should ever so far forget themselves as, by petition or otherwise, to instruct me to change the laws and usages of the people of this District, I mean to tell them, that although I am indebted to their kindness and partiality for my election when elected, I feel myself bound to legislate for the people of this District upon my own observation of their situation, and my knowledge of their wants, as derived from my conversations and association with them. I look upon that as my duty under the constitution, and I will never consent to be made the instrument

by one portion of my constituents to subvert the rights of another portion. To my mind, there is something absurd in the idea of any set of men or women undertaking to interfere with the local laws of a separate people, five hundred or a thousand miles off.

But, then, the motives of the petitioners in this case are so pure, it is a pity not to hear them in the cause of religion and freedom! The Saviour of man did not propagate his religion by petitioning legislative assemblies. And the lesson in favor of freedom which the abolitionist teaches is to break up the long-established practices and laws of one people, not at their instance or by their consent, but at the absolute will of a distant people, no way affected by the laws which are to be subverted! Why, sir, if this game is to be successfully played, there is no telling where it will stop; and the next thing we may hear of will be a petition from New England to establish the *Blue Law code* in this District, and render it unlawful for a man to kiss his wife on Sunday! I beg the New England gentlemen and ladies to desist, or to tell us how far their consciences will require them to go, in petitioning Congress to reform the sins of this District.

I have endeavored to present the grounds of my vote. If you receive the petition, if you are bound to receive it, then, sir, you should refer it and act upon it. My word for it, as long as the decision of this House, just given, stands as the judgment of the House, the gentleman from Massachusetts [Mr. ADAMS] will convict you of the grossest inconsistency in refusing to refer petitions of this sort to the appropriate committee. We say to the petitioners, "You come before us as matter of right; but, from motives of policy, we will make no response." Sir, such a course is a mockery of their rights, if they have them. I have endeavored to show that the people of Massachusetts have no right to petition on the subject, and there never will be an end of this exciting question until Congress sustains my views.

Mr. REED said he differed entirely in opinion with the gentleman who had last spoken, [Mr. UNDERWOOD;] and, as he had the charge of a number of memorials of similar character to the one now under consideration, he begged leave to say a few words upon the subject.

Let it be remembered that these memorials, so obnoxious to some members of this House, pray for the abolition of slavery and the slave trade in the District of Columbia. They go no further. The gentleman from Kentucky, who has just sat down, has given a labored argument to prove that the people of Massachusetts, and, of course, the people of any other State in the Union, have no right to petition Congress to repeal or modify the laws in relation to slavery in this District. "He denies the right of petition, when the grievance complained of does not operate upon the petitioners." He denies that the right, secured by the constitution, peaceably to assemble and petition Government for a redress of grievances applies to the present case, because the evil complained of, if any evil exist, is only a national evil, and is no personal grievance to the petitioners.

I cannot for a moment assent to the positions of the gentleman. To my mind, they are subversive of the right of petition and of the rights of a free people. I highly respect the gentleman and his opinions, and am quite sure he views the subject in a very different light.

In my opinion, the right of the citizens of a free and representative Government to petition their representatives for a redress of grievances is a perfect right. It exists independent of the constitution. It must exist where the people are free, and where it does not exist there is despotism. I am aware that, from abundant caution, this sacred right of petition is secured by the constitution. The right so secured is not limited or enlarged by the security. It is a perfect right, which we must never permit to be impaired by ingenious arguments, to avoid the consideration of an unpleasant subject. "It would be doing evil, that good might come." The right is the same, whether the evil complained of be national and remote, or direct and personal.

By the constitution of the United States, Congress exercise exclusive jurisdiction, in all cases whatsoever, over the ten miles square; and that territory is the District of Columbia. Can language be more explicit? The jurisdiction of Congress over this District is exclusive, and extends to all cases whatsoever.

Congress have the sole government of the District. The House of Representatives are a part of Congress, and are the representatives of the people of the United States. Will it be denied that the people whom they represent have a right to petition them for redress of any grievance over which they have jurisdiction? Suppose it were admitted that slavery and the slave trade in the District of Columbia was a national evil, but that the evil was remote in its effects upon distant parts of the country: could it be said that it was no evil or no grievance because not aggravated and direct? Is not each portion of the country a part of the nation? Can any part suffer, and the remaining part not be aggrieved? The part of the constitution which gives exclusive jurisdiction over this District to Congress was not a mere form, or accidental; it intended that it should be governed solely by the nation and the representatives of the nation; and the people, whose representatives we are, all have a direct interest in its government, its honor, and its prosperity. If, therefore, in the opinion of any portion of the people of any part of the country, the laws of this District are bad, they are aggrieved. It is a national and personal evil, and they have a right to petition for redress.

The gentleman asks if the inhabitants of Europe, or any part of them, should petition us to repeal our tariff, should we be bound to receive and act upon such petition? And, again, should the petitioners address a petition to the Legislature of Kentucky, praying for the abolition of slavery, would Kentucky be bound to receive and act upon it? I perfectly agree with the gentleman, that if the inhabitants of Europe or Massachusetts should so far forget themselves as to offer such petitions, neither this House nor the Legislature of Kentucky would be under any obligation to notice them. For one plain reason: we have no jurisdiction over the people of Europe; nor has Kentucky any jurisdiction, so far as their State Government extends, over Massachusetts. Of course, the petitioners could have no grievances for which they could claim redress, and have no right to interfere with the grievances of others. Not so with the District of Columbia; it is exclusively governed by Congress; it is a part of the nation, and if ill governed it is a national and individual grievance, and those who feel it have a right to present to us a petition for redress.

I consider the question one of vast importance, as vitally affecting the liberties of the people and the sacred rights of citizens. I regret that great principles must be settled under some excitement, and under an apprehension that no relief could be afforded if the petition was received. I can but think the true construction of the constitution is so plain, and the right of every citizen to petition so clear, that nothing further is necessary but barely to state the principles upon which they are founded; and I forbear to say more upon the subject.

I have been gratified by a vote of this House this day, allowing a petition like the one now before us to be received. I trust we shall not reverse that decision. I do hope, regarding, as I most sincerely and anxiously do, the harmony, peace, and welfare of the United States, North, and South, and West, that these memorials will not be thrown in the faces of the memorialists, nor thrown under the table, nor nailed to the table. I hope

they may be received, and not rejected by force, and violence, and insult; and, when received, that they may be committed to a committee of this House. If the petitioners are in error, let the error be shown by a plain and dispassionate report, and an argument which they cannot refute or gainsay. Persecution and violence will never put down a good cause, or even a bad one. I hold the people have a right to petition, and that there is a corresponding obligation on our part to receive them, to refer them, and to decide in favor or against them, according to our sound discretion and best judgment.

Petitions for the abolition of slavery in the District of Columbia are not of modern origin. They have been presented annually for many years past; and until last year they have been presented and referred, and treated precisely like other petitions, and have produced very little excitement in this House or elsewhere. I hope we shall return to our former usage, and avoid all unnecessary excitement upon this important and vexing subject.

Mr. BYNUM rose and said he had not intended to have troubled the House with any remark of his upon the subject which was then before it. It had ever been his unfeigned desire that it should have been kept out of the walls of that hall, believing, as he did, that nothing but strife and discord would attend its agitation either in or out of that building. The question of reception he had been disposed to give the go-by, for the sake of the harmony of all parties, and particularly that to which he had the honor to belong. But, sir, said he, this question has been forced upon us and upon the House; and he regretted, exceedingly regretted, that its portentous consequences, view them in whatever shape they might, seem to be defied, dared, and almost courted, by some of the honorable gentlemen of that body. Was it possible that gentlemen would still persevere in a course so detrimental to the well-being of this nation? Was it possible that they could be so deaf to the warning voice of truth, and so blind to the signs of the times, as not to see the direful state to which their conduct, if persisted in, must inevitably lead? His course, since the first day that he took his seat in that House, had been to avoid agitation on that subject; and he had, in good faith, voted for every measure to suppress it.

He knew that there were two parties in that House and in the country in favor of agitation, and for political purposes. He was truly sorry that they existed in any section of the country, and was more so to think that any existed in the section from which he came.

It was to be deprecated that any party, or any set of men, whether to the North or South, should be found to use such means to place them in power; but such there were, and this House and this nation were to feel the effects of their unhallowed purposes.

Sir, said Mr. B., I feel mortified to know that I am called on to vote on a subject upon which I have just voted and have been defeated, and must know that a similar fate awaits me on the decision of this question. Sir, we have been defeated by the imprudence and folly of those who, on this subject, have professed to act with us. It was the weakest stand, as Southern men and slaveholders, we could have taken. It was one in which we had long seen that we must be defeated whenever it was put. Why, then, should gentlemen professing to act with us, holding the same sentiments on this subject, aid in making up an issue in which every man of discernment must have known that defeat was unavoidable? And every defeat upon the most frivolous question on our part gives both strength and encouragement to our enemies. Sir, with politicians of such imprudence, and with so little policy, it is dangerous to act, here or elsewhere.

But to the preliminary question—shall this petition be received? Although we have just been defeated—yes, defeated, sir, and shamefully defeated—by the imprudence of professing friends, I shall still vote against the reception of these diabolical petitions, believing, as I do, that they are fraught with the most alarming, dangerous, and appalling consequences to the well-being of this country. Gentlemen had contended that we were bound to receive all petitions whenever presented. This he denied. True it was that the petitioners had a constitutional and unalienable right guarantied by the constitution to petition for the redress of grievances, a right which none, as he had heard, had controverted; for himself, he looked on that as one of the most sacred rights of a freeman, and one which, under no circumstances, would he disparage or yield. But whenever the petition was made and presented there, in his judgment this right ended, and the rights of the representatives or legislation commenced. The constitution, said Mr. B., went no further than to declare the right to petition. It could not have gone further, from the very nature of things. Why? Because, said he, if it had, the very existence of your legislative body would have been endangered, and its dignity and character placed entirely in the hands of every senseless and infuriated mob that might choose to degrade or insult you. The most frivolous petitions from women, children, boys, or lunatics, might be received, at a great consumption of the time of this House, and at an enormous expense to the people; and the whole body, under such circumstances, might be converted into scenes of levity and frivolity totally destructive of the dignity and character of wise legislation. Such could never have been the intention of the framers of the constitution; in that august body there was too much wisdom, dignity, and patriotism, to presume it.

As reference had been made to the constitution, he would read the article that had been alluded to, which, it was contended, made it obligatory on the part of the House to receive those petitions; and he thought its words would be evidence to show that the construction he had put on it was strictly in harmony with the direct spirit and meaning of that instrument. Article the first is in these words:

"Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This was the language of the constitution upon which such reliance had been placed to justify and make compulsory the reception of the petition. Sir, said he, though the right to apply or petition by this article was clear, he saw not the least in it that imposed it on this House as a duty to receive; and the House being under no compulsion to receive it, it was left discretionary with them to receive or not to receive; then, sir, to justify the reception must depend on the character of the petition and petitioners; and he was sorry to say that this brought him, from a sense of duty which he owed the people whose representative he was, to comment on and investigate both the character of the petition and petitioners.

What was the character of this petition? From the remarks of the very honorable and distinguished gentleman who had introduced it, [Mr. ADAMS,] it was to abolish slavery in the District of Columbia. Was it from the citizens of the District of Columbia? No; but from the good, perhaps he ought to say better, citizens of Massachusetts, three or four hundred miles distant from those of this District. Certainly they were, by far, more wise than the citizens of the District, as they could reside at such a distance from them, and tell so much better what was to be the interest and welfare of the citizens of the

District. He was sure that the citizens of the District felt, or ought to feel, extremely obliged to the good men, boys, women, and children, of Massachusetts, for their liberality and patriotism, and general supervision of the welfare of themselves and their District. Such he understood to be the character of the petition. It was similar to hundreds that had been offered at the last session, which, without reception or reading, were referred, where they had been no more heard of. Now, sir, (said he,) what was the character of the petitioners, and who are they that presume to dictate and instruct this body how to act towards the people of this District? He was sorry to say, from the best evidence that he could obtain, they were a set of low, ignorant fanatics, united with some boys; and, he was sorry to say, with women. Yes, sir, the women of Massachusetts had become legislators, and were urging their imbecile, timid men to action. The honorable gentleman from Massachusetts [Mr. ADAMS] had said that there were one hundred and fifty female signatures on one list, and God knew how many there were on the others.

Mr. B. said he thought it a portentous foreboding, an awful omen, when women were stepping into the political theatre, and calling on men to act, and recommending what subjects they should legislate on. He felt no disposition to go further into the investigation of the character of these women; it was enough for him to know that they were females; he felt a disposition towards them of the kindest nature, and was ready to say, "Father, forgive them, for they know not what they do."

The boys that had petitioned, he understood, mostly belonged to their Sunday schools, and were almost entirely under the influence of their teachers. The men were generally ignorant, superstitious fanatics, possessing neither religion nor character; few of whom hardly ever saw the constitution of the United States, and knew still less of the nature of our federal compact. They had no interest in the District of Columbia, and he presumed little elsewhere—all headed, though, and led on by artful, designing priests, who, he had not the least doubt, from what he could learn of the most liberal and intelligent amongst them, were at the bottom of the whole of this agitation and excitement.

It was principally the priests in New England and elsewhere that were stirring up this agitating and exciting subject. He hazarded nothing in saying, when the subject was probed to its bottom, that that class of men would be found the instigators of this whole system of confusion and iniquity. It was your priests that were seizing upon the superstition and prejudices of your ignorant men, women, and children. They were the men to be stopped and rebuked, before this excitement could be arrested. They were the men behind the curtain, who worked the wires of abolition excitement. Abolition was priestcraft, concocted and brought into existence by their unholy alliance with the superstitious and ignorant of both sexes. These creatures were as ignorant of the nature of our institutions as they are of our local situations and condition. It is to the influence of these gentry that this House is indebted, more than to any other, for the excitement, disorder, and confusion that is witnessed on the annual presentation of these harassing petitions.

Such, sir, is a brief review of the character of this petition and these petitioners, who claim, as a right, to have their petitions received by this House. He could not conceive a more degrading condition than this House would be placed in, by consuming its time, at an enormous expense to the Treasury, in receiving and listening to the petitions and memorials of old grannies and a parcel of boarding-school misses, in matters of state and legislation. What light could they throw on a subject? When grannies and misses become legislators, he thought it time for the men of New England to fold up their arms and to go home. The Congress of the United States was no place for them. Sir, what do they know about the nature and condition of slavery in the South? How many of them have witnessed it? Not one in a thousand, nor one in fifty, of those meekly priests and their subalterns, whose unholy biddings they do here. These unfortunate creatures deserve the pity more than the contempt of the South; but their instigators we well understand, and know both how to appreciate them and how to treat them, whenever they shall come amongst us. The South has not been deaf to, nor ignorant of, their designs in relation to this matter; their instrumentality has long been distinctly understood by the Southern politicians, and well marked out.

But, sir, if I were disposed to quibble on this subject, I would, from the first article of the amendments to the constitution, say that the petitioners have neither the right to petition, nor the House the right to receive such petitions. What says that article? "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Now, sir, do these petitioners come within the character of those alluded to by the constitution? What says the latter clause? "And to petition the Government for a redress of grievances." Will you, sir, mark the object of the petitions alluded to by the constitution? The right to petition the Government for a redress of grievances. I would ask, (said he,) in what are these petitioners aggrieved by the existence of slavery in this District? They reside, as I have before said, in Massachusetts, without one particle of interest either in this District or in any one Southern or slaveholding State. In what, then, can be their grievance, to justify their petitions? They certainly are not such, then, as the constitution alluded to in its first amendment, and their interference can only be viewed as officious, pragmatic, and presumptuous; and, in his judgment, did not come strictly within the description of persons alluded to by the article of the constitution that had been relied on so much to justify their conduct, and which he had just quoted. He saw, then, no obligations imposed on the House by the constitution, even to recognise the right to petition, under such circumstances, and where there was neither grievance complained of nor interest at stake by the petitioners.

The honorable gentleman from Massachusetts, [Mr. ADAMS,] for whom, as a man, he confessed he had the highest respect, had worked himself unnecessarily, he thought, into a passion, as though some great and invaluable right was about to be taken from his constituents, and immense injury was to result from the refusal on the part of the House to receive those petitions. But the gentleman did not tell us in what that injury consisted. Though the gentleman and his constituents might think it an injury to them not to be permitted to interfere with other people's business, other people's morals, and other people's religion, he presumed that the free and intelligent people of this nation thought otherwise; nor would they consider that honorable gentleman, or his constituents, deprived of any rights, nor inflicted with any injury, by their being refused permission to do so.

Mr. Speaker, (continued, Mr. B.,) some honorable gentlemen have said that we ought to receive the petitions, and reject them forthwith. Now, sir, he did not see clearly the force of that reason. If the petitions, upon the first blush, were conceived to be unworthy of consideration, why receive them at all, to create a disturbance, and to consume most unnecessarily the time

of this House, and then reject them? He did not see the force of such a position. The petition was pregnant with the most alarming consequences, and its consideration or agitation here, it was admitted, he believed, by all parties, could end in nothing but evil and most detrimental consequences to the integrity of this Union.

The honorable gentleman over the way [Mr. Adams] had said that courtesy should induce us to receive those petitions and treat them respectfully. Under ordinary cases, he did not deny but that courtesy should be extended to the applications of all persons applying here for a remedy or for a redress of grievance, but he did not think that reason held good in the present case. Where the Congress of the United States and its known wishes, or at least a large majority of them, were disrespected, and a number of persons continued to harass it, (as in the present case,) from a spirit of obduracy and pertinacity, as evidently it appeared to him to be in this case, he could not conceive that they were entitled to the least particle of courtesy from that House. On the contrary, he thought it the duty of the House, particularly that part of the body that composed the last Congress, from self-respect, to treat without the least courtesy these petitions that were now proposed for the consideration of the House. What was the character of the petitions? They were identically, in substance, the same that had been presented again and again at the last session of Congress, and had been consigned to a silent reference, without even the form of a reading or a hearing, where they yet sleep the sleep of death. Did the petitioners think that there had been any alteration in the minds of members here in their favor? They certainly must, or their conduct could be considered in no other light than insulting and audacious.

They certainly ought to know, from what had passed at the last session of Congress, that such petitions had been unfavorably received by this body, as well as by the Senate; then why were they continued, except from a spirit of obduracy and insolence? Such was the character of the petitions, and such were the facts under which they were presented. From this view of the whole circumstances, he did not see how the courtesy of the House would be at all compromitted by the rejection of the petitions. In fact, he thought the dignity and independence of the House much more compromitted by the reception than by the rejection of the petitions, whose sole object, he seriously believed, was to agitate and harass the country, without the remotest prospect of producing a single practicable good. He did not consider himself at liberty, from considerations of courtesy, at any time to inflict a wound on the harmony and peace of this country. He therefore conceived that the House was under no obligations, whether courteous or discourteous, to receive any petitions or memorials so offensively obnoxious, as, upon its first appearance, it must be obvious to all who had in contemplation the most extensive mischiefs to the public weal.

The honorable gentleman on his left [Mr. Reed] had contended very strenuously for the right of petition, as guarantied by the constitution of the United States. No man had a greater regard for every article of that sacred instrument (said Mr. B.) than he had. It was his text-book on all constructions of political power; but, with due respect to the opinions of that honorable gentleman to the contrary notwithstanding, he must say that the constitution had in view as well the rights, privileges, and protection of the people's representatives, and consequently of this body, as the people themselves, from which a reciprocal benefit was enjoyed by both; and the protection of each he thought equally necessary to the preservation of liberty and a proper and free administration of this Government.

Honorable gentlemen had contended that the right of petition was sacred, and should not be curtailed or abridged. He would be the last man, in that House or out of it, to attempt either; but after petitioning, there the right stopped, and those of Congress commenced; and it was equally essential to preserve the latter as the former; and the constitution and its illustrious framers had it equally as much in view. The right of reception was not, nor could it be made, a necessary consequence of the right of petition. They were separate and distinct objects in the contemplation of the constitution, and are necessarily made so for the protection of each. It had been justly and appropriately said that where the right of Congress to consider began, there the right of petitioners was at an end. If the House had a right to consider the propriety of reception, it necessarily included the right to refuse or reject the reception of that or any other petition, and, without maintaining that right in the Congress, the whole body would be subject to continual insult and degradation, which would prove, sooner or later, subversive of our whole republican institutions. When that body became so that it could not protect itself from degradation and insult, it would be time for a dissolution of our political elements, and the reorganization of one competent to the performance of the functions of a better Government.

Mr. B. said he would now say one word as to the effects and detrimental character of those petitions. Besides the effects of agitation, which had been seized on with so much avidity by a certain set of politicians, to get up an excitement for political purposes, it had produced the most deleterious consequences to those very persons whose condition they proposed to alleviate. What Southern man did not know, since the agitation of this subject by those wretchedly ignorant fanatics, that the condition of every slave to the South had been made infinitely worse. He believed there was scarcely a single State in which there existed slavery, which State had not, since the stirring of this question by the abolitionists, increased, by legislative enactments, the severity of their police laws in relation to their slaves.

He knew, of his own knowledge, that the liberties and privileges heretofore exercised and enjoyed by the slaves in the State which he had the honor, in part, to represent, had been more abridged and curtailed since the abolitionists had taken this subject in hand than they ever had been before, since his earliest recollection; and, from what he had learned from gentlemen from the other slaveholding States, and his own personal observation on that subject, it was a fact almost universal in each and every one; and this was what was called philanthropy, by those poor, ignorant, deluded creatures! Thus they were binding and riveting the shackles, through their ignorance, on the very creatures whom they profess a wish to relieve. Sir, (said Mr. B.,) the abolitionists know nothing of the subject about which they would have us to legislate. They know nothing of the feelings of the people of the South on this subject, and they know less of the situation and condition of those about whom they have become so pragmatic, and over whose oppressed condition they would shed so many tears. They are yet to learn that they themselves are the worst enemies that a Southern slave has at this time on the earth; they are yet to learn that every effort of their officious and insulting intermeddling with the property of the South contributes to make the South make that property more secure, at the expense of the personal privileges of the slaves, which we inherited from our ancestors as property under the constitution of our country, the right to which no Southern man or slaveholder would condescend to dispute here.

Mr. B. said the South was easily excited on this subject, from two reasons: the first was, that they looked upon this officious interference with their property as a

national insult, and a personal reflection on every slaveholder. They did not apprehend that these insolent, intermeddling fanatics could inflict on them the least injury whatever. They dared them to show their faces among them. They were prepared, and well knew how to receive them whenever they approached. Should those ladies, however, who had made themselves conspicuous in their petitions, pay a visit to the South, he was not prepared to say in what manner they would be received; if they were under arms, led on by their holy priesthood, whose handiwork was so plainly to be seen in every part of the whole transaction of their deluded followers, he was fearful that their reception might not be so very acceptable; but, under any other circumstances, he would vouch that, against the gallantry and chivalry of the South, they would enter no complaint. He most fervently prayed that, if the time ever did arrive when the people of the North should become so priestridden as to engage in this unholy enterprise, those reverend gentlemen might be the first that were sent on this holy crusade, and placed in the front of the battle. He believed upon their heads rested all the consequences that mgiht grow out of the conduct of the abolitionists, and that their unholy garments would he stained with every drop of blood that would be spilt in this despicable contest, whether by civil war or from servile insurrection.

He was not apprehensive that that class of politicians would ever be able to inflict any real or extensive injury on the people of the South; no, the people of that section of country defied all the efforts of all the abolitionists in the world; they were fully prepared for them now, and were daily becoming more so. They understood, full well, the unholy ambition of the priesthood who had kindled up this flame to the East and North, and who were now engaged in taking the advantage of the ignorant women and boys throughout the country. Look at the petitions; what one was not headed by a priest of some denomination or other, and filled up in part of women and children, adults and boys? A strict police was only necessary to proclaim their approach, and the measure of their iniquity was immediately meted out to them.

But there was another reason, an apprehension, a serious, solemn apprehension, a dread of holy horror felt by every intelligent statesman, whose heart had ever throbbed with a patriotic emotion, for the bonds that bind together this sacred Union.

Let the first step be taken here, let the first blow be struck, the first enactment made here, on that subject, revenge and dissolution of these States would be the war-cry from the Susquehanna to the Sabine, from the Balize to Mason and Dixon's line. No, sir, you cannot act upon this subject here. Whenever it was settled, he had, on another occasion, declared that it would not be within these walls, nor upon paper, nor parchment, nor by pact, nor compacts. The very first attempt to legislate on it would sever this Union into fragments; and it was ignorance, idle, worse than stupidity itself, for gentlemen to shut their eyes, and affect blindness to the consequences that must necessarily ensue from such an attempt; and he had little sagacity, indeed, who did not foresee in this act the inevitable downfal and prostration of our whole political fabric. Yes, sir, in the dissolution of this Union would end the fairest republic that the world had ever beheld, and its downfal be hailed with transport and joy by the kingdoms and popedoms of the earth. Can we, then, sit silent and see the germes of our dissolution planting, and sprouting, and menacing the entire overthrow of our national existence? Sir, (said he,) no voice should be silent on such an occasion. The people should be aroused from one end of the nation to the other, and the dangers that imperilled them proclaimed in a loud voice.

These clerical mischief-makers, these sacerdotal panders, should be well watched. It was a covert movement, in his opinion, with them to insinuate the influence of their church in State, and to enslave mankind, like their predecessors, who had flooded all Europe and Asia for three centuries with Christian blood, and consigned to the fagot and the flames three hundred thousand souls, victims of that heartless, merciless tribunal, the inquisition. An ambitious clergy, in all ages, had proven the greatest curses to national quietude and happiness of mankind, and had been productive of more calamities to the human race than any one other cause yet known to the history of the world. Like the element of fire, the clergy, in their proper and appropriate sphere, might prove a blessing to mankind; but when they left that sphere, all history had proved that their influence was more destructive than the consuming flame. Their march over the human mind was clandestine, and their influence furtive; their most effectual enemy had ever been an exposition of their designs, when their feebleness became as apparent as their motives were execrable. When the world once saw their designs in their true characters, they had never failed to become, not only objects of contempt, but of disgust and detestation. They should be the last on earth to tamper with the rights of an intelligent people.

The slaveholding States would regard the first attempt to legislate on that subject, in the District of Columbia, as an "entering wedge" to further legislation for other Territories and States of this Union; and he would warn gentlemen to pause before they took the first step in a matter more momentous in national importance, by far, than the Revolution by which this nation gained its independence, and established on the ruins of arbitrary power the freest republic for the protection and preservation of constitutional liberty that is recorded on the pages of modern or ancient history. Let gentlemen pause, then, he repeated, before they gave the least countenance or toleration to a practice, or measures, fraught with a train of evils and calamities that unborn generations might yet live to deplore. As wisdom proclaimed that the first spark that fell that threatened a conflagration should be immediately extinguished, so true policy proclaimed that the first step about to be taken that threatened the very existence of our Federal Government, and to produce consequent evils that no human tongue could foretell, should be opposed and thwarted upon its very threshold. For one, he had ever been disposed to show them not the least countenance, here or elsewhere; and, so help him God, he never would, so long as he entertained the least regard for this Union and the preservation of our present form of government, which that subject threatened with such immediate and imminent danger.

Mr. B. said the honorable gentleman from Massachusetts, [Mr. ADAMS,] he thought in the sincerity of his heart, as he had before intimated, was doing his constituents, and the Northern and Eastern people generally, the greatest injury, as well as injustice. If (said he) this course of things is persisted in, whether for political effect here or elsewhere, it will be impossible, in future, such will be the prejudices it will excite at the South, for any gentleman, merchant or otherwise, from the North or East, to reside in any one of the Southern States, or even to travel through any one of these States, many of which have hitherto been to them the mere abodes of hospitality and kindness, without being suspected as a spy or servile agitator, and put to the greatest inconveniences. Such would be the effect of this very misguided course pursued by his own countrymen. Sir, this is a practical view of the subject that I take, and in which I believe that the continued agitation of this subject by the abolitionists

must eventually and inevitably result, and which at no distant day would amount to an entire non-intercourse between these two communities. He would here ask if that enterprising people were prepared to do any thing that would so much contribute to oppose their interest as private citizens, and to destroy their greatest prosperity? If they were a prudent, thinking people, they could not be blinded longer by a designing priesthood, or ambitious, jealous politicians. The project, therefore, of these deluded, ignorant fanatics would clearly be more injurious to their own neighbors than to those whom they sought to affect, but who were far, as private persons, placed beyond their baneful influence; and, as such, it was out of their power to affect their private property or their personal safety. It was only in a national point of view that they could affect the South, and that by destroying this Union, which composed this great and benign Government under which we lived; by effecting which they themselves were obliged to be the greatest losers. Let any statesman examine the subject, and that fact would be demonstrated beyond controversy. Why, then, should that deluded and miserable set of agitators receive the countenance of the North and East, more than from the South, while their efforts were so well calculated to cripple their best interests and check their growing prosperity.

It is impossible that that sagacious people, heretofore so much famed for their foresight and intelligence, should now become so steeped in priestcraft, superstition, and prejudice, as not to be longer able to see their glaring impolicy, and the total subversion of their best interest, by their perseverance in the wild, impracticable, and visionary course pursued by their priesthood, in their abolition efforts. Truly degenerate must the sons of those revolutionary fathers of New England be, who contributed so much in effecting the glorious independence of this great republican empire. And is it possible that these hardy sons of the North and East should be so delinquent in duty as to require now to be spurred on by the petitions of adults, women, and school children? Sir, the whole subject is farcical, originated by the priesthood, to acquire distinction and political notoriety; such a one as should meet the contempt and ridicule of the sturdy sons of democracy of the East, North, and South, and such as should be indulged only in the dreams of old maids, grannies, and children. There is not an idea connected with any part of the subject that deserves the name of manliness, and becoming the consideration of an intelligent statesman.

Are these people yet to learn to weigh the consequence of a severance of this Union, and particularly when fanaticism and anti-slavery become the avowed cause? Have they yet to count the cost and anticipate the loss of this mad project? Are they still ignorant that a non-intercourse law would be the immediate consequence of a separation of the two sections of this country? Are they not aware that commercial regulations would be immediately entered into by the South, with the European Powers, on more advantageous terms than it is now had with them? Would not Great Britain jump at such a proposition; and embrace with avidity the manifold advantages that she would realize from the acquisition of such measures? Then, sir, what would become of your manufactories to the North and East? From what country would you get your raw materials, particularly cotton? Where would you find a market for your fabricated materials? Your coarse cottons and woollens, that are now consumed almost exclusively by the slaves of the South? Surely Northern politicians must have taken but a bird's-eye view of this subject, who can even connive at such a course of suicidal policy. There would necessarily be a perfect stagnation in every branch of your manufactures, and scenes of distress and confusion, want and penury, would follow in thick succession, hitherto unknown to any part of the population of this country.

But, sir, (said he,) these are not all of the calamities that such a policy would inflict on those unfortunate people. In whose hands, he would ask, was now placed nineteen twentieths of the shipping of this country? Certainly in those of the good people of the North and East. What, sir, would become of them and their commerce at such a time? Where would you find employment for your sailors and seamen, excluded from the Southern ports and Southern trade? Your shipping would be left to rot in your own ports and harbors, and your seamen to prowl through your cities, in beggary and want. Such, Mr. Speaker, would be the inevitable effects, in my humble judgment, of a non-intercourse law, passed by the Southern States, on the interest of the North and East; and to such it must come at last, if the North and East are so blended with superstition and fanaticism as to give countenance to the Quixotic projects of the abolitionists.

It is in vain for them to flatter themselves that the Southern people would prefer the continuance of this Union to a surrender of their right to their property, under any conditions or circumstances that might be proposed by foreign interference or fanatical agitation. No, there was not a member in that House from the South that would pause a moment in preferring the inviolable retention of his right to his property to a continuance of this Union; and should that question ever be made, which was now threatened by the character of the petition on your table, gentlemen deceived themselves egregiously, if they expected to hear one dissenting voice in any Southern or slaveholding State of this Union. He could assure the House, however much they might be divided in relation to men and abstract political principles, that on that subject at least there was but one sentiment prevalent throughout every slaveholding State of this Union, so far as his information extended. In fact, a man who paused in a decision on that subject, to the South would be deemed and treated as a traitor. He implored honorable gentlemen from all sections of the Union, if they had any lurking doubts or suspicions on that subject, forthwith to discard them. The whole scheme was impracticable, short of the bloodiest civil and religious war that had ever been witnessed or recorded in the history of man; and before it could be effected, the fairest portion of this favored land of republican freemen would be truly converted into "a howling wilderness." And were consequences like these to present no barrier to the wild enthusiasm of a fiend-like fanaticism? He called upon gentlemen upon all sides of the House to pause well before they took the first step to give countenance to the insanity of these fanatical madmen.

Mr. B. said, so far as he was interested, it would not make the least difference to him, as a private man, to live in a separated or a united Government; but as a public man and an American statesman, he felt the deepest interest for the perpetuity of the Union, and the sacred fraternity of the States; and it was that to which we must all come at last if this question ever gained ascendency in the Congress of the United States. The South would be compelled to decide whether they would give up their own property or the Union. Was there a single man in the nation so ignorant as not to know what would be their unanimous decision on that subject? Sir, said he, I repeat it, without fear of contradiction, that there is not a man to the South of the Potomac that would not be looked on as a traitor, that would hesitate in deciding against the continuance of this Union under such degrading circumstances. Such a

one could not live amongst us, and it is for the Eastern and Northern abolitionists to press us to make this most sad decision. What, then, will be their condition? Will they have liberated one slave more? Will it not be placed further out of their power ever to do this? Will they not have to decide, too, on this great alternative? Will they not have to decide whether they will remain members of this Union with the slaveholding States, or to separate from them in consequence of their continuing to hold their slaves? Sir, let them look to their commerce—their manufactories. Let them look to a non-intercourse with the Southern States; and what will become of these great sources of wealth, enterprise, and even sustenance, to a great part of their population?

To a New England man human nature cannot conceive a project more suicidal and self-immolating than that now agitated by the religious fanatics and priesthood of the Eastern and Northern States. But such a policy could only be expected, when politicians were prompted to action by the exhortations of women and children. It is not in the field, nor is it in the cabinet, where the counsel of lovely woman has been found most potent; to adorn her sex, she is destined for a different sphere; and it is for the want of men,

> "That women become most mannish grown,
> And assume the part that men should act alone."

He would tell the abolitionists, not a single object that they contended for could they accomplish, short of a civil war, and one, too, that would drench the fairest fields of this great republic with brothers' blood; and that they are stupid, silly, idle, creatures who dream of the contrary. Where, then, will be found their women and children, who crowd this House with silly petitions? Where their priests? In the tented field? No, sir, but skulking, shivering, shrinking from danger and responsibility, and even then denying the part that they had once taken in getting up this tragic drama. Will their women then be seen in the field, amid the clangor of arms and the shouts of victory, or heard in the cabinet with the cries of their children around them? Let the hardy sons of New England, who have had little or nothing to do with getting up this excitement, but on whom alone the brunt of war would rest, if acted out, answer this!

They have never heretofore required the cries of their children and the exhortations of their women to urge them on in the defence of their rights. He looked on the whole of the present attempt of the priesthood and abolitionists as a libel on their character; and he believed, as he had every reason to hope, that it would be ultimately proven so. No; they knew too well that their rights had not been invaded by their brethren to the South—not even threatened by them; and he would not for a moment believe that that intelligent people would ever plunge this country into all the horrors of civil war, to gratify the base, cunning, and ambitious designs of an unprincipled, ignorant priesthood, who dared to speak alone through their women and children, and thus to instigate to false action men whom they would not meet face to face, and measure reason against reason on the impolicy and evil consequences of their acts.

But (said Mr. B.) this is no new mode with the priests to insinuate the influence of church in state. It has been by the acquisition of such influence over the "weaker vessel," the imbecile and ignorant of all ages, that they have succeeded in enslaving mankind, which nothing but the light of reason, the progress of science, and the rapid march of universal intelligence, have contributed so much to dispel.

If there be any that yet doubt of the baneful effects of this unwarrantable interference of the church in the affairs of state, let him cast his eyes over the history of the middle ages; let him view through that mirror through which is reflected a scene of blood and carnage that deluged the barrens of both Europe and Asia for four centuries with blood, and have in vain challenged the history of the world for a parallel, and let him answer, when have similar causes failed to produce like effects?

Mr. Speaker, (said he,) I am no alarmist. I would to God I could allay this spirit of fanaticism and folly, and that every man, woman, and child, in this land, could view it in all its native deformities. It poisons every fountain of social intercourse, and breathes over the whole circle of its malign influence a blighting and withering exhalation, before whose pestiferous blast all nature seems to sicken and decay.

But, sir, perhaps I have dwelt long enough on this part of this disturbing subject. At least I have my own conviction of the indelicate if not the more unenviable situation that honorable gentlemen assume here, who persist in presenting these petitions, and urging their consideration on this House—a situation that no honorable member could be desirous to covet, however fond he might be of notoriety. He had always regretted exceedingly, whenever he had seen an honorable member of that House rise and announce his intention to present a petition of that character. He thought it much more fitting and patriotic in honorable members to put all such in their pockets, or return them to their deluded, short-sighted authors; or, perhaps, to those wily priests who had been more instrumental in getting them up. Yes, sir, better, far better, would the venerable and honorable gentleman from Massachusetts [Mr. ADAMS] serve the clause of liberty, religion, and the peace and permanence of this Goverenment, were he to return them to his constituents, whether men, or women, or children, and warn them of the perils and dangers that they provoked by their follies. Let him go and convince them of the impracticability of their Utopian, visionary crusade against the rights of Southern men, who would sooner see their fields and their forests deluged with blood than yield to such a foe one particle of that sacred right that they had inherited from their fathers under their constitution, and held without molestation for the better half of a century. Let him teach these constituents (for uninformed they must be) how revolting it is to the feelings of honorable men to have impudent strangers, totally ignorant of their situations or conditions, to intrude on their deliberation, and undertake to dictate to them in what manner they should treat a subject, or dispose of it, in which they have not a single interest, and of which, from the very nature of things, they cannot have any thing like correct information. Let him, sir, return with his idle, self-immolating petitions, and endeavor to dispel from the eyes of those weak, deluded petitioners the trance that has been so ingeniously imposed on them by an ambitious, cunning, designing, but dastardly priesthood, whose predecessors have done so much mischief to mankind through all ages, without hazarding the first hem of their garments in battle. Let him show what all history has proven to be the consequences of a religious war, and that such must be, if persisted in by them, (and they can stir up enough to effect it,) the unquestionably inevitable result in the present case.

Let no man deceive himself in the nature of this extraordinary project of fanaticism. There may yet grow out of its scenes that which, in enormity, will by far outstrip those enacted by the Christian and Turk in the twelfth, thirteenth, and fourteenth centuries; and with what final benefit to the Christian world, let history speak. Yes, sir, proceed with your fanatic designs, and you may light up a blaze of even a religious war, that may end in the extermination of one portion or the other of our fairest countrymen. Will the Christians of the South, whose religion it is to hold slaves, yield in their love for

their religion and piety to those of the North, who have thus undertaken to pass sentence of condemnation on them? No. You will find some of our oldest and ablest men of the church, who have grown gray under their present institutions, where slavery is tolerated, taking the field in resistance to the usurpation and insolence of their foreign invaders, in defence of their religion, their rights, and their property. The church, too, may not escape the shock that some of their designing priests may have intended alone for state, by which the foundation of their *presbyteries* and *episcopacies* may be shaken to their centres; and it may shortly become necessary for the South to prescribe the limits to these ministerial incendiaries and their unholy abettors. To such a state of frenzy have they already excited the indignant feelings of the people of the South, that suspicion amounts to the conviction of any suspected of being an incendiary. The forms of a trial have been dispensed with, and will be, under this state of excitement; and the accused, though innocent, by the madness and folly of abolitionism, may be, in the hurry of the excitement that they have created, dragged to an ignominious punishment.

I will again repeat, (continued Mr. B.,) that those ignorant creatures knew not what they had been doing; some of them were not even acquainted with the extent of the mischief that they had been induced by others to set on foot; in fact, none were more ignorant than themselves of the true nature of the subject, that they had presumed to dictate to this House in what manner they should act. He hesitated not to say, when this subject approached to extremes, that its mischiefs would recoil on the heads of its authors, though, perhaps, at the expense of the happiness and lives of thousands and tens of thousands of better souls.*

Before Mr. BYNUM had concluded his speech, (as given entire in preceding pages,) he gave way to Mr. TAYLOR, on whose motion the House adjourned.

TUESDAY, JANUARY 10.

On motion of Mr. ADAMS, several amendments were made to the journal of yesterday, the purport of which was to give a more definite description of the sundry petitions presented by him in relation to the abolition of slavery in the District of Columbia.

ABOLITION OF SLAVERY.

Mr. DAVIS moved a suspension of the rule, to enable him to offer the following resolution:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or to the abolition of slavery, shall, without being either printed or referred, be laid on the table, and that no further action whatever shall be had thereon.

Mr. D. called for the yeas and nays on the motion to suspend; which were ordered, and, being taken, were: Yeas 102, nays 78—not two-thirds.

So the House refused to suspend the rule.

FREEDOM OF ELECTION.

Several reports having been made from the standing committees, and before the reports of committees were concluded—

Mr. BELL rose and said that he did not wish to interfere with the regular reports of committees, but that he would now move for leave to bring in the bill, of which he had given notice the other day, to secure the freedom of election.

The SPEAKER said the motion was not now in order; but that it would be in order for the gentleman from Tennessee to submit the motion at any time when, under the rule regulating the "order of business of the day," it would be in order for him to submit a motion on any other subject.

Mr. BELL said he was under the necessity of making a question on this point. He had given notice of this motion the other day, because he could procure an opportunity to bring in a resolution which might accomplish the object. He thought that he was entitled to make the motion at this time. He did not propose now to offer a resolution, but a substitute for a report; and if the Chair was not satisfied that he had a right so to do at the present time, he must beg leave to submit a few remarks.

The SPEAKER said he had looked carefully into the question, and it was his decision that the motion was not in order at this time.

Mr. BELL appealed from this decision, and entered, at some length, into his reasons for so doing. The rule under which he had given notice of this motion was the 87th rule, which is in the following terms:

"Every bill shall be introduced by motion for leave, or by an order of the House, on the report of a committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice, at least, shall be given of the motion to bring in a bill; and every such motion may be committed."

There were two modes, Mr. B. said, under this rule, of getting a bill before the House, and, in either case, it must be done by the order of the House; and even bills reported in the morning were received under the order of the House. The same law, the same reason, and the same rule, almost literally governed both cases. Both bills were embraced under the same rule, and the coherence was the same. Upon what principle was it that the Chair had decided that a motion for leave to bring in a bill should not be assigned the same hour as other reports? By what means could a distinction be made in the two cases? The decision not only postponed the time for a day, but might postpone it to the end of the session. He appealed to the magnanimity and sense of justice of the House; and, if that was not sufficient, he appealed to the right of deliberation in this House. He hoped that his character there was too well known to admit of the supposition that he would bring forward a frivolous measure, or one the object of which was only to give him an opportunity of making a harangue for ephemeral effect here or elsewhere.

The SPEAKER stated the grounds of his decision to the House. He premised by saying that this was a novel proceeding in this House. From the organization of the Government (1789) to the present period, as far as precedents had been searched, but few cases were to be found (he believed but two or three) of bills brought in on motion for leave; and these, so far as any thing appears, had been brought in by general consent, and referred, *sub silentio*, to a committee of the House. The Chair had looked in vain for precedents, in the former proceedings of the House, to aid him in the course proper to be taken on this occasion. He had found none, and had been thrown back to the question of the construction which it was proper should be placed on these rules. In fixing this construction, he had adopted the principle familiar in legal proceedings, that that construction was to be placed upon the statute which would give effect to every part of it, provided it be susceptible of such construction, and not to place such a construc-

* In justice to the ministers of the Baptist and Methodist churches, from the best information had on the subject, they have had but little, if any thing, to do with getting up this fanatical excitement; and, in the South, it is believed that they are unanimously opposed to every step that the fanatics have taken in relation to abolition.—*Note by Mr. B.*

tion upon one part as would totally abrogate and annul another, and render it inoperative.

This is a "motion" for "leave to bring in a bill." It is made under the rule which provides that "every bill shall be introduced by motion for leave, or by an order of the House on the report of a committee; and, in either case, a committee to prepare the bill shall be appointed. In cases of a general nature, one day's notice at least shall be given of the motion to bring in a bill, and every such motion may be committed." At what time, and at what stage of the daily proceedings of the House, is it in order to make this motion? The rules prescribe a particular "order of business of the day," for every day. The Speaker is first to "cause the journal of the preceding day to be read," and no other motion or business can be interposed until this is done. "As soon as the journal is read," "reports first from the standing and then from the select committees shall be called for and disposed of; resolutions shall then be called for, and disposed of by the same rules which apply to petitions." "And, after one hour shall have been devoted to reports from committees and resolutions, it shall be in order to proceed to the orders of the day." It is further provided that "the business specified in the two preceding rules [the reading of the journal, reports from committees, and resolutions or motions] shall be done at no other part of the day," except during the morning hour. Upon the meeting of the House this morning, the journal of "the preceding day was read," as required by the rules; "reports from standing committees were then called for," as required by the rules. A part of these reports have been made, and a part remain to be made. At this stage of the proceedings a member arises, and proposes to interrupt and arrest the call for reports from committees, by offering to submit "a motion" for "leave to bring in a bill." Can this motion be entertained at this time? In the opinion of the Chair it cannot, without a palpable violation of the rule quoted. If it can be entertained at this stage, upon the same principle it could have been entertained immediately upon the meeting of the House this morning, and before the "journal of the preceding day was read."

The rules prescribe a particular order in which the business of the House shall be transacted. They provide a division or allotment of time, and set apart an hour on each day within which a particular class or description of "business shall be done," and expressly declare that this class or description of business "shall be done at no other part of the day." The order of business thus prescribed is, 1st, that the "journal of the preceding day shall be read;" 2d, reports from committees; and, 3d, resolutions and motions shall be called for and disposed of according to a prescribed order; and after the expiration of one hour, devoted to business of this character, it shall be in order to proceed to the orders of the day. These are the express requisitions of these rules. It may be asked, at what time can this "motion for leave to bring in a bill," be made? The answer is furnished by the rule itself. After reports from committees are made and disposed of, "resolutions shall then be called for" from the several States, in the order of the States, as prescribed in the rule. The member must wait until his State shall be called, and it shall be in order for him to move a resolution, or make a motion, and then it will be regular to entertain this motion. This is the only proper time to make the motion, unless, by a suspension of the rules, which requires a vote of two thirds, it shall be allowed by the House at another hour of the day. But it is suggested that "resolution," the term used in the rule, is not a motion. They belong to the same class of business. A resolution is in the nature of a motion, and a motion in the nature of a resolution, and in the practice of the House they have been invariably treated and acted on as synonimous. For example, when the States are called for resolutions, it has been the constant practice to make motions to print documents, and on various other subjects. A motion is an unwritten resolution, and, when submitted, is reduced to writing and is recorded on the journal. This objection is technical, and not substantial. If it be not so, then we must come to the absurd conclusion that, by the rules, there is no time at which motions are in order. By this construction, both rules, the one giving the right to a member to "submit a motion for leave to bring in a bill," and the other prescribing the "order of business of the day" during the morning hour, have their full operation. The member has a right to make this motion, but he must wait until the time arrives when it is in order for him to do it. If a contrary construction be given; if a member has a right at any time of the day to make the motion proposed, then the rule prescribing the "order of business of the day" is practically abrogated and rescinded. If this motion may be made at a period of the day to interrupt and arrest the call for reports from committees, and the call of the States for resolutions and motions in the order of States, as prescribed by the rule, there is nothing to prevent it from being made before the journal of the preceding day has been read; and to permit either would be totally to change and revolutionize the settled order of business of this House. What would be the consequences which would follow? The member making the motion for leave would have a right to debate it. He would have a right not only to state the character of the bill which he asks leave to bring in, but to discuss its merits. He may debate it, if he chooses, through the day. Other members may also debate it, in favor or against "the motion for leave" to bring it in; and thus the regular and established order of business under these rules would be deranged and set aside, at the will of any one member, at any period of the day, when he chooses to make a "motion for leave to bring in a bill." The daily reports made by committees would be arrested, not only for one day, but as long as the debate on the motion may continue. All resolutions and motions, pending and undetermined, as well as those to be offered, must be postponed, and precedence given to this motion. There is nothing in the rule authorizing this motion to be made which makes it a privileged motion, to take precedence over all other business; and to permit it to be made so would be not only to change the mode and order of doing business in this House, from the first Congress to the present time, but to put it in the power of individual members to obstruct, delay, and prevent action on the other business of the House.

By restricting the right to make this motion to the proper hour for submitting motions or resolutions, all confusion and derangement of the "order of the business of the House" will be avoided. The motion, when submitted in proper time, will be subject to all the rules which apply to other motions and resolutions; and thus the business of the House will go on regularly, and according to the established practice and usages of the House.

To illustrate further to what practical results a contrary decision from that which had been given would lead, the Speaker stated that it was only "in cases of a general nature" that one day's notice of this motion was required. In cases not of a general nature, no notice of the motion was required. Suppose a member has a petition and a resolution which he desires to present, with a view to have them referred to a committee of the House for a report and bill, for the relief of his constituents. By the rules, petitions can only be presented on petition day, being the first day of the meeting of the House in each week; and then only as the States are called in their order for the presentation of petitions.

The member must wait until petition day, and until his State is called, before he can present his petition. And so of resolutions and motions: the member must wait until the resolutions pending and undetermined are disposed of, and his State is called for resolutions and motions, before he is entitled to submit a resolution or make a motion. There is no proceeding of this House better established, or more imperatively required by the rules, than this. But if the construction now insisted on be the true one, that this motion for leave may be made at this or another hour of every day, why, then, a member having a petition to present, instead of waiting for petition day to present it, has only to prepare a bill based on his petition, and come into the House on any morning, and submit his motion for leave to bring in his bill, and may proceed to the discussion of the merits of the bill which he asks leave to bring in. And so of a resolution of inquiry directed to a committee, which he may wish to offer. Instead of waiting for his State to be called in its order for resolutions, he has only to prepare a bill embracing the objects of his resolution, and come into the House at a time when under the rules he is not authorized to offer resolutions or make motions, and submit his "motion for leave to bring in his bill," and proceed to discuss it. Every member may in like manner submit motions for leave to bring in bills, and any member may submit as many motions of the kind as he pleases, or as he has applications for relief from his constituents. Every one must see that the effect of allowing such motions, except at the regular time of making motions, would be to annul and set aside the rules prescribing the "order of business of the day," and to overturn and wholly change the established and uniform practice of the House in the transaction of its business.

But it is assumed that this "motion for leave" may be made when reports of committees are called for, because it is said the same rule provides for reports of committees and for the motions for leave; and it is insisted that bills cannot be reported, even by a committee, except by "an order of the House," and "in either case a committee to prepare the same shall be appointed." It is said that in every case of a bill reported by a committee, though no motion is formally put, "an order of the House" is presumed to be made to authorize the committee to report the bill. This error arises from not adverting to the fact that by another rule of the House, subsequent in the date of its enactment, the standing committees are authorized to "report by bill or otherwise," without "an order of the House." The rule itself is the order of the House. That rule is, that "the several standing committees of the House shall have leave to report by bill or otherwise." Committees under this latter rule have a right to report bills without any other previous "order of the House." The same rule does not apply to "motions for leave to bring in a bill." The inference, therefore, that when it is in order for a committee to report a bill, it is in order for a member not acting by order of any committee to submit, not a bill, but "a motion for leave to bring in a bill," is erroneous. We must not confound "the motion for leave" with the bill which is to follow if the motion be agreed to by the House. This is a motion, not a bill. The motion is one thing, and the bill which is to follow, if the motion be agreed to, another. The member does not rise and present a bill to the House, as committees in their reports do; but he submits a motion for leave, which motion is the question before the House; and the question still recurs at what time this motion may be made. There is nothing in the rule authorizing it which gives it precedence over other motions or reports of committees, prior in point of time, and entitled to be first considered. The policy of our rules and the practice under them have always been to employ the agency of committees organized by the House to originate and bring in bills. All the bills ever brought into this House have been reported by committees of the House, with the exception of a very few cases, (he believed not exceeding two or three,) when bills had first been brought in "on motion for leave," and then referred to a committee to prepare the same. It does not appear, in these cases, but that the motion for leave was made at a time and in a stage of the proceedings of the House when the member had a right, under the rules, to make it. We cannot presume that it was made at any other time. We have committees organized, with their respective duties and jurisdiction prescribed and defined, to whom, by petition, resolution, or motion, subjects are referred. These committees have a right to report by bill, without "an order of the House," or any question taken. No individual member has this right. There is nothing which, in any view of the question, can give to this motion precedence over reports and other motions and resolutions. It is allowed, it is true, to be made, but it can only be made in proper time. It is but a motion, and not, as has been assumed, a substitute for a report. No member can constitute himself a *quasi* committee, and bring into the House a substitute for a report. It cannot be assigned the same hour allotted to reports, because a motion for leave to bring in a bill is not a report, and cannot take precedence over reports, or of resolutions or motions which are prior in point of time, and entitled to be first considered.

The one day's notice required to be given of this motion, "in cases of a general nature," does not authorize the motion itself to be made out of time and in violation of the prescribed order of business. The notice "in cases of a general nature" only enables the mover to make the motion at the time when motions may be made under the rules. Without the notice, "in cases of a general nature," the motion cannot be made, even when it would be otherwise in order for the member to make it. The analogy between this and another rule of this House requiring one day's notice of a motion is striking. That rule is, that "no standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor." A member gives notice, under this rule, that he will on to-morrow submit a motion to rescind one of the rules of the House: is he thereby entitled on to-morrow to submit his motion, before it is in order to make a motion, and thus give precedence to it over all other resolutions and motions pending and undetermined, and by their priority in point of time entitled under the rules to be first considered? Certainly not. The practice on this point has been long settled. The motion can only be made at such time as the member making it would have the right to move a resolution, or make a motion on any other subject, according to the rules. The notice in both cases removes a disability, and confers no privilege which can give precedence to these motions over all other resolutions and motions which, under the rules, are authorized to be made. There is no analogy to be found in the proceedings of the other branch of this Legislature, where the practice has been allowed to bring in bills on motions for leave, because the rules governing the proceedings of that body differ radically from ours. There is no allotment of particular hours of time in each day in the Senate, such as our rules prescribe, within which certain specified business, of particular classes, and in a specified order of time, shall be transacted, and at "no other part of the day." The complaint upon the ground of the delay which will be produced in making this motion, by restricting it to the time when, under the rules, it shall be in order to make it, applies equally to all the other business before the House. The rules operate equally on all the members of the House, and prescribe a fixed

order in which business of different classes shall be transacted. No business can regularly be done out of order. For example, reports are called from committees every morning. A report is made which gives rise to debate. It must be first disposed of before it is in order for other committees to make reports. So of resolutions or motions. After reports are made and disposed of, the States are called for resolutions or motions. A resolution is offered which gives rise to debate. It must be first disposed of before it is in order for any other member to offer a resolution. The member wishing to make a report, or offer a resolution, may with the same propriety complain, on the ground of delay, because he cannot be permitted to do so until the pending report or resolution made before him shall have been disposed of; as in this case he can complain that he cannot make this motion until other business, having precedence, has been disposed of. It is the natural and necessary operation of the rules. If a member submit a resolution or other proposition, when in order for him to do so, which gives rise to a long debate, it may be inconvenient for other members to wait until it shall be disposed of before they can bring forward propositions or motions which they desire to make, and yet every one knows that they are compelled to do so. So of other business on the calendar. A bill, for example, is taken up for consideration. A member is desirous to take up and consider another bill on the calendar, but he cannot do so until the bill before the House is disposed of; and yet the delay produced by a long debate on the bill first in order may be inconvenient, and may operate to delay and defeat action on much of the other business on the calendar of the House. There is no way to prevent this. The business first brought forward, as a general rule, is first in order, and must be first disposed of. The inconvenience of delay of important measures may, in many cases, exist, but it cannot alter or change the rules of the House, which are imperative in their terms. It was for these reasons, briefly stated, that he had felt himself constrained to make this decision. It was, he said, not the first time, during his service in that chair, that it had become his duty to decide new and complex questions of order, raised for the first time in the history of our proceedings; questions upon which, of course, there are no precedents to guide or aid us in the decision to be made. He had often heretofore felt, as he now felt, the delicacy and high responsibility of the duty which devolved upon him. But on this, as well as on all occasions, he had this consolation: that if he had fallen into error, this House had only to indicate by its vote what its judgment was; and, if differing from his own, he should always take sincere pleasure, in the future administration of the law of this House, in conforming to the judgment or decision of the House, whatever that judgment or decision may be. The decision of the Chair had been pronounced. There is an appeal, and the question on the part of the Chair is submitted to the House.

At the suggestion of Mr. MERCER, Mr. BELL withdrew his motion till all the committees should have made their reports.

At a subsequent part of the day,

Mr. BELL renewed his motion for leave to bring in a bill.

The SPEAKER said he was about to state that the hour devoted to reports had elapsed, and that it was therefore his duty to announce the orders of the day.

Mr. BELL wished to inquire whether the half hour which had been spent in taking the yeas and nays was to be considered as a component part of the hour devoted to resolutions and reports.

The SPEAKER said that the uniform course had been to commence the computation of the hour from the moment at which reports were first called for.

Mr. BELL said he then gave notice that he would tomorrow again ask leave to introduce this bill.

EXECUTIVE ADMINISTRATION.

The House then resumed the consideration of the resolution (originally offered by Mr. WISE) reported from the Committee of the Whole on the state of the Union, as follows:

"*Resolved*, That so much of the President's message as relates to the 'condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper."

The question pending was the following amendment, submitted by Mr. PEARCE, of Rhode Island: Strike out all after the word "Resolved," and insert the following:

"That so much of the President's message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation'—be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments or their bureaus, or the vigilance and fidelity with which their duties have been discharged; and that said committee have power to send for persons and papers."

Mr. HAMER was entitled to the floor, but gave way, on request, to

Mr. FRENCH, who said he wished to have read to the House a general proposition, which, he hoped, would meet the views of gentlemen on all sides. The paper in question was then read, as follows:

Resolved, That so much of the President's message as is in the following words, to wit: "Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation"—be referred to five select committees, (one for each department,) to consist of seven members each, with instructions to inquire into the manner in which the duties pertaining to the several executive departments, and their respective bureaus, have been per-

formed, under the several laws defining and regulating the same; into all frauds, corruption, and abuses, which are, or from any quarter may be, alleged to exist in said departments, or any of them, or in their, or any of their, respective bureaus, under the present administration; and if any such frauds, corruption, or abuses exist, to inquire by whom committed or practised, and the injury thereby done to the public interest; and that each of said committees have the power to send for persons and papers.

The SPEAKER said the resolution which had been read was in the nature of a motion, and, of course, was not before the House.

Mr. HAMER then rose and concluded his remarks, as given *in extenso* heretofore.

After Mr. HAMER concluded,

Mr. McKEON obtained the floor, but gave way to enable the House, by general consent, to take up the

MINT AND COINAGE BILL.

The amendment of the Senate to the bill supplementary to the acts regulating the mint was then read and concurred in, *nem. con.*

The House then adjourned.

WEDNESDAY, JANUARY 11.

SURPLUS REVENUE.

Mr. CAMBRELENG, from the Committee of Ways and Means, made a report, accompanied by a bill, on the subject of the surplus revenue. The title of the latter was "a bill to reduce the revenue of the United States to the wants of the Government."

Mr. OWENS remarked that as this was a very important report, as well as the accompanying bill, he would move that both be read; which was agreed to.

The bill and report were then read by the Clerk. The bill is as follows:

"A bill to reduce the revenue of the United States to the wants of the Government.

"*Be it enacted, &c.*, That from and after the 30th day of September next, in all cases where duties are imposed on foreign imposts by the act of the 14th of July, 1832, entitled 'An act to alter and amend the several acts imposing duties on imposts,' or by any other act, shall exceed twenty per centum on the value thereof, one third part of such excess shall be deducted; from and after the 31st of March, 1838, one half of the residue of such excess shall be deducted; and on the 30th of September, 1838, the other half shall be deducted, any thing in the act of 2d of March, 1833, to the contrary notwithstanding.

"SEC. 2. *And be it further enacted*, That from and after the 30th of September next, the duties on salt and coal shall be, and the same are hereby, repealed."

The bill having been twice read, and the reading of the report being concluded—

Mr. CAMBRELENG moved that the bill be committed to a Committee of the Whole on the state of the Union, and that the bill and report be printed.

Mr. LAWRENCE said, as a member of the Committee of Ways and Means, and one of the minority of that committee upon this subject, he hoped he might be permitted, in the outset, to express his entire dissent from the principles laid down both in the bill and in the report.

Sir, said Mr. L., this is a measure of great importance—no less than a bill to reduce the revenues of this country, which were proposed by the law of 1832 not to be reduced till 1842; that is, in five years and a half from this time. It was, he repeated, a bill to bring down the revenues of the country, in the short period of eighteen months, as much as was proposed by the law of 1832 in five years and a half. He wished, therefore, the members of the House to reflect for a moment upon the principles contained in that report, and those contained in the bill. He put the question to the members of that House, whether there was any serious, any abiding feeling there that that bill was to become the law of the land. This question should be answered; for the bill was of so much importance that it was a necessary duty that House owed to the country that it should be advised that such legislation was contemplated upon the great interests of the country.

What was to be the effect, merely, of simply reporting this bill now? It was to create a panic from one end of the country to the other. What was its present state, from Maine to Georgia? What was the state of our finances? How did they stand with reference to pecuniary facilities? Why, that in all the great commercial cities of the East, (and he understood it to be worse and higher in the new States,) money was from fifteen to twenty or thirty per cent. per annum. Sir, said he, there is already a panic, growing out of the peculiar condition in which the finances of the country had been placed, and the effect of the proposition then before the House was to increase that panic; and how? You come down here, and propose a reduction upon all articles of import of ten per cent. in six months, ten per cent. more in six months thereafter, and ten per cent. more in the ensuing six months.

Mr. MANN, of New York, raised the point of order, whether the merits of the bill were open to debate at this incipient stage.

Mr. LAWRENCE would go through in one moment.

[Cries of "Go on!" "go on!" from several parts of the House.]

Mr. MANN remarked that the debate was entirely irregular; but if the House were disposed that it should go on, it could, of course, so order.

Mr. LAWRENCE said he intended to conclude his remarks by moving to lay the bill on the table. He proceeded. He wished to appeal to a few gentlemen of that House on the subject. He appealed, then, to the Representatives from the State of Pennsylvania, for the purpose of ascertaining whether this bill be a party measure; he hoped it was not; but he appealed to the members from that State, and asked them if they were ready to sanction and adopt the doctrines of that bill and report. He appealed next to the members from the State of New York. He had been told that that State was in favor of the system, but he did not believe it. He knew there were many gentlemen from that State on that floor in favor of this system; but a majority of her people, he had no hesitation in saying, so far as he knew them, never would sustain the doctrines set forth in that report.

[Mr. MANN exclaimed, he knows very little, then, about the sentiments of that people!]

Mr. L. also appealed to the State of Ohio, and to all the great and growing States of the West, if they had no interest in this question. Was there a gentleman upon this floor, truly representing his constituents, who would get up in his place, and say he was willing to place the whole industry of his country upon the same foundation as that of foreign nations? He could anticipate their answer. It would be in the negative. He appealed next to New England, to the whole of New England; he would appeal to the State of Connecticut, whose delegation composed a portion of the administration party in that House, if they would dare go home to their constituents with this report in their hands, and say to them, "this is our doctrine; we will stand or fall by it."

Sir, they would not be sustained for an hour if they did so. When he appealed to New England, he was aware there was a diversity of opinion upon this subject; but he was confident there was no difference of opinion on one point; and that was, that this extraordinary re-

duction, brought forward at this time, and under the circumstances, was without the shadow of a plea for it.

What had they been told by the Secretary of the Treasury? What did the departments say? Did not they tell them that, in their opinion, the revenue would fall short during the present year? Did not the Secretary of the Treasury, after making his estimates, (and who knew better?) state that the revenue, after the appropriation made on the 31st of December next, would be short at least three millions of dollars? And what did they know about the revenue of 1838? Who could say what would be derived from the customs or from the public lands? Who could tell what contingencies might arise in that interval?

Again he denounced the bill as a monstrous measure, fraught with the most dangerous consequences, and whose effect would be to weaken, if not break down, the bonds of confidence and credit which ought mutually to subsist between men and communities. He again and again reiterated his appeal to gentlemen of the administration party from Pennsylvania, Connecticut, and New Hampshire, &c., to come out and avow if they were in favor of this bill, or that they believed it to be for the interest of the country. Mr. L. then went on to show that the principles of free trade ought not to be attempted in this country until a corresponding feeling had been exhibited by Great Britain and the continent of Europe; for they taxed foreign articles most heavily, particularly tobacco, bacon and hams, coals, &c. He was referring to the British tariff on imported articles, when

The CHAIR interposed, and said the whole merits of the bill were not open at that stage.

Mr. LAWRENCE wished to speak of the effects of sending this bill out to the people, and, after doing so, should move to lay it on the table.

The CHAIR had merely apprised the gentleman that the merits of the bill were not open on a motion to print and refer it.

Mr. LAWRENCE inquired if a motion to reject it would be in order.

The CHAIR replied, not in that stage.

Mr. INGERSOLL. Would it be in order to move its indefinite postponement?

The CHAIR. That motion would be in order; but the motion to lay on the table would take precedence.

Mr. INGERSOLL. Would that motion open the discussion?

The CHAIR replied, that a motion to postpone indefinitely opened the whole merits of a proposition.

Mr. LAWRENCE then moved the indefinite postponement of the bill.

Mr. L. proceeded. He would assure the House that he would take up very little time, but he simply wished to show the House the inevitable effect of adopting this bill. As an instance of this, he would advert to some articles of import imported into Great Britain, showing the impolicy of introducing the free-trade system into this country.

In England, ham and bacon, on importation, paid a duty of six cents a pound. Unmanufactured tobacco sxty-seven cents a pound, while manufactured tobacco paid no less than eight dollars a pound. Even coal, strange as it might seem, for it could be hardly conceived whence competition in that article could come, paid a duty of nine dollars a ton, or two pounds sterling. Tallow candles fourteen cents a pound, while spermaceti, of which large quantities were made in this country, paid no less than fifty-six cents a pound.

Mr. L. said he could go on at great length, and show that on whatever interfered with the industry of Great Britain she imposed heavy protective duties, and the continent pretty much followed her example. He would put it, therefore, to gentlemen—to practical gentlemen especially—whether, if the duties were all taken off, more would be exported than at present? It appeared to him a solecism, unless foreign countries did the same. He did not believe the exportation of a single article would be increased, unless we first made a treaty, or some regulations, in reference to the article itself. Mr. L. then appealed to the cotton growers, and went on to show that, as Great Britain was extending her importation of that article from other quarters, she would necessarily require less from the United States. The quantity, and the quality too, from other countries imported by her was increasing every year. Up to the 30th of June, last year, the quantity she imported from the East Indies was double what it was the year before. Nor was that all; she was now importing largely from Egypt, Peru, the Brazils, and other places; and the quantity and quality from those countries were immeasurably augmenting.

Mr. VANDERPOEL then rose and moved the orders of the day, remarking that it seemed as if all the business of the session had to give way to debates on propositions in their incipiency.

The House refused to proceed to the orders: Ayes 58, noes 74.

Mr. McKAY said, before the gentleman from Massachusetts [Mr. LAWRENCE] proceeded, he wished to draw the attention of the Chair to the 103d rule; and to inquire, first, if it was necesary, under his construction of that rule, to commit that bill; and, 2d, if discussion could be entertained on the day the bill was introduced. Mr. McK. then read the rule in question, which is in the following words:

"103. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered, and every such proposition shall receive its first discussion in a Committee of the Whole House."

The CHAIR said, if any of the provisions of the bill went to create a tax or charge upon the people, it must be committed.

Mr. LAWRENCE. It is quite the other way, sir, because it goes to reduce the taxes.

The CHAIR expressed some doubts, as the question was one that had not, to his recollection, ever before been decided.

Mr. MERCER remarked that the motion to postpone indefinitely rode over every other.

The CHAIR. Suppose the previous question were demanded, what would be the main question?

Mr. MERCER. The motion to postpone indefinitely.

The CHAIR. Certainly not. It would be on the engrossment of the bill. The Chair then suggested that, perhaps, the best mode of obviating any difficulty would be to proceed to the orders of the day, and suffer the subject to lie over till to-morrow, when, as a report from a committee, it would be the first business in order as soon as the journal was read.

Mr. LAWRENCE had a very few words to say, and if the House would permit him to proceed, he pledged himself not to occupy more than three minutes.

Mr. MANN, of New York, remarked that the former practice of the House, repeatedly decided, had been to commit such bills. He adverted to the great advantage the gentleman from Massachusetts had over the other members of the House, if, as was the obvious intention of the rule just referred to, one day's reflection were not allowed upon this bill before debate upon it progressed, since the gentleman was a member of the committee which reported it.

Though Mr. M. was not prepared to go into the debate, he could nevertheless make a very satisfactory answer to the question propounded to the State he had the honor, in part, to represent, by the gentleman from

Massachusetts. Mr. M. then went on to contend that no other construction could be put upon the 103d rule, than that this subject, and all subjects on their first introduction, should lie over a day for consideration. Any other interpretation put upon it, and it might as well be erased from the rules altogether. He could not help admiring the ingenuity with which the gentleman seemed to take time by the forelock, hurling his denunciations against a measure few but himself had seen, and sending out an inflammatory speech to the country, before any one else had an opportunity of replying to him. Mr. M. read the rule, (as given above,) and asked if language could be more plain or positive than that such a proposition could not be discussed on the day of its introduction. Why, the very object of that rule was—

Mr. REED here called the gentleman from New York to order, on the ground that the Chair had not as yet given its decision, and debate could only be entertained on an appeal.

The CHAIR repeated his former suggestion, as the best mode of obviating the difficulty.

Mr. LAWRENCE had no objection to give way to the orders of the day, if it should be the pleasure of the House.

Mr. CRAIG hoped the House would order the report to be printed; so that at least other members might be put in possession of the subject they were discussing.

Mr. ADAMS inquired if the House could proceed to the orders before the question on the rejection of the bill had been decided. Besides, the bill had not yet been ordered to a second reading.

The CHAIR remarked that it had.

Mr. ADAMS. It has not.

The CHAIR stated the question. A bill had been reported, and read twice. The gentleman from Georgia [Mr. OWENS] called for the reading of the report; after which, a motion was made by the gentleman who introduced it, to refer it to a Committee of the Whole on the state of the Union; pending which motion, the gentleman from Massachusetts moved the postponement of the bill. The Chair said that it was perfectly competent for the House to proceed to the orders of the day, and the Chair would take the sense of the House upon that motion.

Mr. BELL contended that the Chair had no right to entertain any motion so reiterated.

The CHAIR replied that it was repeatedly done. Motions were frequently made to proceed to the orders of the day; which, being unsuccessful, were afterwards repeated.

Mr. BELL. I remember no instance of the kind.

Mr. CAMBRELENG. I have done it twenty times within my immediate recollection; and I have known it done when the gentleman from Tennessee himself [Mr. BELL] filled the chair, and always entertained the motions.

The CHAIR. The House can go to the orders of the day at any time; and if the motion be unsuccessful at one time, it may be renewed at another. Such has been the known practice of the House.

Mr. BELL. I enter my protest against it now, whatever may have been the practice heretofore.

The CHAIR. The Chair decides the motion to proceed to the orders of the day to be in order.

Mr. BELL appealed from that decision, in order, he said, to make a few remarks against it. Mr. B. then went on to argue that, by the decision of the Chair, the whole business of the House might be arrested, since a few members might continually renew the motion and weary the House until it assented, or arrest any discussion then going on. It did not follow, that a certain practice, which was wrong *per se*, could be right because it had been occasionally indulged in, and suffered to pass *sub silentio*, to use the Speaker's words the other morning. Having concluded the few words he had to say, he withdrew his appeal.

Mr. THOMAS inquired by whom the motion had been made to proceed to the orders of the day.

Mr. MANN said he had made the motion.

Mr. THOMAS appealed to Mr. MANN to withdraw the motion that the House proceed to the orders of the day. He said it appeared to him to be but reasonable to permit the members who composed the minority of the Committee of Ways and Means to make explanations verbally in lieu of a report. Such a course had been often pursued in the House on grave occasions. It was but a courteous and customary indulgence. Let the speeches of the minority go forth with the report of the majority, and the public would be put in possession of both sides of the question.

The CHAIR reminded the gentleman that the question was not debateable.

Mr. THOMAS asked permission to remind the gentleman of an instance in which the members of a committee, who were in the minority in the House, had been indulged. He referred to the case of the bank committee in 1832. In that case, the four members of the committee who were against the bank had been permitted, by almost a unanimous vote of the House, when the friends of the bank had a decided majority, to submit verbal explanations. Other instances could, with great facility, be referred to, but it was unnecessary.

Mr. MANN said he wished the same opportunity afforded to him that had been given to the gentleman from Tennessee.

The CHAIR remarked, that if appeals were taken to enter into debate, that debate must be confined to the question of order.

Mr. MANN wished the same indulgence extended to him as to others.

The CHAIR would put the question on proceeding to the orders of the day.

The House again refused: Ayes 73, noes 86.

Mr. MANN then made the point of order on the 103d rule, (as given above.)

The CHAIR said it did not appear to him, upon the face of the bill, that it required commitment. Did it propose an imposition of duties, and thereby a tax or charge upon the people? It appeared to him not; and he could not, therefore, take upon himself to decide that it must necessarily go to a Committee of the Whole. That, however, was a matter for the sound discretion of the House, who would decide it upon reasons of expediency or propriety, as it saw fit.

Mr. MANN observed that, from this decision, he felt himself bound to take an appeal, and upon that appeal he was not disposed to enter largely into the question, because it seemed to him that it was so obvious, under the 103d rule of the House, and former decisions made thereon, which must be within the recollection of every gentleman who has had the honor of a seat there for any length of time, that this subject ought to be committed. Mr. M. then said that the case was not a parallel one with that which the gentleman from Maryland had alluded to. It would be recollected by the gentleman from Maryland, [Mr. THOMAS,] that in the case of the bank committee the minority brought in their report at the same time with the majority; and this had been the practice so long as he recollected. That case, then, was not a parallel one with this.

Mr. CAMBRELENG observed that it was proper for him to state that no report of the minority of the committee had ever been presented to the consideration of the Committee of Ways and Means.

The CHAIR remarked that that fact would have no bearing on the question before the House.

Mr. INGERSOLL, by the permission of the House, stated that the chairman of the Committee of Ways and Means was correct in what he had said. Mr. I. had been instructed to prepare a report on the part of the minority; but the minority determined, subsequently, that, because the measure might have the appearance of being brought in on party considerations, they would make no minority report, but leave every member of the committee to give his own views, when the subject came before the House.

Mr. MANN said that, on this question of order, he would like to inquire of honorable gentlemen or the Chair, if they did not consider this proposition to be a charge upon the people. Suppose it be passed into a law, what would be its operation? Would any gentleman rise and tell him that under the law, if it ever became a law, it would not collect a tax, or raise a revenue, from the people of the United States? Could you collect the tax without this law, if you pass it? The provisions of the bill are, that after such and such dates and times, the revenue to be raised will be such and such sums? He asserted, then, that it was as much a bill to raise revenue as it would be possible for the Committee of Ways and Means to draw up. On its face it had the appearance of being a bill to reduce the revenue; but when you come to apply its provisions, in its broadest terms, it would be seen that its purpose and object were to raise a revenue. Was it not by its title a revenue bill? Now, judging from the course adopted by the gentleman from Massachusetts [Mr. LAWRENCE] on the introduction of this bill, it must be supposed that he considered it a revenue bill; and a bill which, to him, being largely engaged in the manufacturing business, was extremely odious, so much so that that gentleman found it necessary to promulgate his sentiments to the House, and to the world, even before the provisions of the bill were understood. Mr. M. considered that, by the rule, this bill ought to be committed, so that gentlemen might have time to prepare their sentiments; and, as a member of the House who was, perhaps, to be in the minority on this question, he must claim the protection of those rules, so that he might have time to prepare his sentiments, and send them out to the world along with those of the gentleman from Massachusetts, and refute the assertions of the gentleman that Mr. M's constituents were opposed to this measure.

Was he to sit there and hear the gentleman from Massachusetts send out to the world a statement that his (Mr. M's) constituents were opposed to this bill, and have no opportunity to refute it? He hoped not. Mr. M. had been long enough on that floor to find out that there were indirect as well as direct means of getting an opportunity of expressing one's sentiments.

Mr. VINTON rose to a point of order. He considered the gentleman was not in order in this debate.

The CHAIR said he considered the gentleman from New York was taking too wide a range.

Mr. MANN hoped, as the gentleman from Massachusetts had been permitted to express his sentiments so fully, he might have leave to proceed. With a view to give the Chair an opportunity to search for precedents, Mr. M. had moved that the House proceed to the orders of the day; but as the House had seen fit to decide otherwise, and this debate was continued, he hoped gentlemen would not complain if the debate was a little extended on this appeal; and if they did complain, he asked them to apply the rules upon which they uttered the complaint to themselves. He asked gentlemen to put their hands upon their own breasts, and say whether they had any just grounds of complaint. This bill had been met with the most bitter and unusual opposition. Important as the character of it was, motions had been made to lay it on the table on its first reading. Why not let it take the ordinary course, and let it go to the Committee of the Whole? Were they to understand that the gentleman from Massachusetts was totally opposed to a reduction of taxes on the people? If so, he should like to hear the gentleman proclaim it on that floor. He considered that this rule was misconstrued and misapplied at a time when it should have the most liberal construction.

Mr. OWENS stated that, when the bill was sent to the Chair, he had moved that the bill and report be read *in extenso;* and when the reading of the report had been concluded, the bill went immediately to its second reading. After that, the chairman of the Committee of Ways and Means [Mr. CAMBRELENG] rose and moved that it be committed to a Committee of the Whole on the state of the Union; and upon that motion being made, the gentleman from Massachusetts made his objections. He presumed that this fact must be within the recollection of every member.

Mr. MANN was aware that this bill had been read a second time by its title, because he had paid particular attention to it at the time; therefore, to reject it without a single moment's consideration would be treating this important question with great disrespect. He had taken the appeal for the purpose of preserving a correct administration of the rules of the House, and he trusted that the Chair, upon reflection, would decide in accordance with Mr. M's views.

Mr. VANDERPOEL said that there could be no doubt that the decision of the Speaker was correct; but before he said what he had to say upon the point immediately under discussion, he would remark that he was not at all surprised at the sensibility which many gentlemen had discovered at the introduction of this bill. It was a bill which, if it became a law, would materially, if not vitally, affect great interests, that had sprung up under, and been fostered by, the past legislation of the country; and no gentleman, who had a faint idea of the force and magnitude of the manufacturing interest of the country, could have reasonably imagined that a bill of this description could be here introduced without producing much ferment and agitation. It was not, therefore, strange that the minority of the committee should be anxious that their views in relation to this all-important subject should go forth with the report of the majority. An elaborate and able report, assailing the whole protective policy recognised by past legislation, had just been read to us; and for his part, without, at this stage of the bill, avowing himself either for or against it, he thought it but just and reasonable that the minority of the committee should be permitted, if they desired to do so, to express their dissent to its doctrines and conclusions, that they thus might be able to send forth to the people the antidote to what they evidently conceived to be a bane. They surely, according to all parliamentary usage, had the right to present a minority report; and if, instead of availing themselves of this privilege, they saw fit to give us here an oral exposition of their grounds of dissent, we ought not, when we considered the importance of the subject, to deny to them this privilege. He owed it to himself to explain the motive that had impelled him, a few moments ago, to submit the motion that the House proceed to the orders of the day. He surely did not make this motion with the view of muzzling the honorable gentleman from Massachusetts, [Mr. LAWRENCE,] who then had the floor, but because there was another subject before the House, which, in justice to the executive departments of this Government, ought to be immediately disposed of. It had already contributed to the consumption of too much of the precious time of this House; and, until it was finally acted upon, it would frustrate every effort to enter upon or execute the important matters that demanded our at-

tention. There was poor Michigan knocking at our door, with a perfect right to be admitted, and yet postponed, day after day, to the stale standing dish that was presented to us by the resolution of the gentleman from Virginia, [Mr. Wise.] Here was just interposed a new subject of infinite moment, that might possibly consume the residue of the session; and, important as it was, he felt anxious, when he made the motion to proceed to the orders of the day, to rid ourselves, before we entered upon a new matter, of that great hook to hang interminable speeches on, (he meant the resolution of the gentleman from Virginia.) The days of this Congress would very soon be numbered; and if we continued, as we hitherto had done, to rush into new subjects before we had finished the one on hand, we would, at the end of the session, be entitled to the merit of having been very busy without having accomplished any thing.

He would now add a remark or two in relation to the appeal now under consideration. It was contended by his colleague, [Mr. Mann,] that this bill could not be discussed to-day, because one of the rules of this House provided that "no motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House." Mr. V. said he knew not what the precedents were upon the point—whether this bill must, under this rule, be committed—but he knew what they ought to be. The bill under consideration surely was no proposition "for a tax or a charge upon the people." It was the very opposite of this. It was a proposition to relieve the people from charges and taxation, as its very title indicated. It was a bill "to bring down the revenues to the wants of the Government," and did not, therefore, come either within the letter or spirit of the rule. It was obvious that it did not come within the spirit of the rule, for no one could doubt as to the reason upon which the rule was founded. It had its origin in a belief that it was best to give all propositions to increase the burdens of the people such a direction as would secure to them the utmost care and deliberation. It was well known, that in a Committee of the Whole House we were more at liberty to amend, to discuss, and, if you please, expostulate, than in the House; and it was to guaranty this great privilege of free discussion that it had been wisely ordained that every proposition to tax or charge the people should receive its first discussion in a Committee of the Whole House. But this, being a proposition not to tax, but to relieve from taxation, is surely not subject to this rule.

But while he was very clear that the bill need not, *ex necessitate*, be committed to a Committee of the Whole House, he would certainly, when the proper time arrived, vote for its commitment, because he deemed it right that a bill of this importance should be committed. The question whether, as matter of expediency, it ought to be committed, was, however, very different from the question whether it must be committed, and thus preclude all debate on this day. He had not a doubt that the decision of the Speaker was right.

The point of order was further debated by Messrs. TOUCEY and SUTHERLAND.

The SPEAKER then reiterated the grounds of his decision, and Mr. MANN withdrew his appeal.

Mr. LAWRENCE said he was very sorry that any remarks of his should have been the cause of consuming so much time of the House; and nothing but the peculiar position which he occupied, as a member of the Committee of Ways and Means, would have induced him to trespass on its attention. Occupying that position, he felt himself bound to protest against this bill, as being a project as monstrous as any that had ever been presented to the people of the United States. When interrupted, Mr. L. said, he had remarked that he had a word to say to the cotton growers of the country in relation to this bill. What he meant to say to them was, that they have some interest in this great question. They have a common interest, as well as the manufacturers, in the prosperity of the Union; and they have a particular interest in this bill besides, in regard to their own staple. From data before him, it was demonstrable that the quantity of cotton consumed in the United States at this moment is equal to what the whole crop of the country was in the year 1820, some sixteen or seventeen years ago. This he stated as a fact not to be disputed. And the consumption here, moreover, is at this time as great as the consumption was in England two or three and twenty years ago. We consume now, in the manufactures of this country, more than a fifth, and nearly a fourth, of the whole present crop of cotton. Was it nothing, besides, to the growers of cotton that Great Britain, the great consumer of our cotton, is actually now importing it from every country that produces it? Is that nothing to the producer of it in this country? And is this a time to reduce and almost destroy the consumption of it here?

But, Mr. L. said, he would not now go into this subject at large—he might do so on some other fitting occasion. He had risen this morning, not with a view to make a speech, but to wash his hands, as a member of the Financial Committee, of any share in the production of this bill, or the report which accompanies it. He owed it, he said, to himself—he owed it to his constituents—he owed it to his country—to do so, because he believed the bill fraught with every sort of mischief, amongst which was its direct tendency to increase the existing embarrassment in the commercial communities. For himself, he said, he had no ulterior political objects to serve by his course in this House on this or any other question; he asked for nothing, he feared nothing; he was neither an office-holder nor an office-seeker. But his object in addressing the chairman was to ascertain, and let the country know, whether this bill was or was not a political measure. He had had no opportunity to ascertain that fact. I would like to know, said he, whether there is any concert of action here upon this bill among the administration party. The country ought to know, and to know at once, whether this be a party measure or not. I hope, sir, that it is not. For that reason, sir, it was that I appealed to the Representatives from Connecticut, as deeply interested in this question as any State in the Union; to the Representatives from New Hampshire, from Rhode Island, from all New England, and from Pennsylvania; the latter the authors (I was going to say) and the consistent supporters of the protective system. I now call upon them all to rise in their places and say whether they are going for this bill. I want the country to know this. It is due to the people that they should know whether a bill is going to pass this House, by the votes of those Representatives, which will prostrate to the earth most important interests of the country. I profess, sir, some practical knowledge of the subject; and I pronounce this bill fraught with consequences fatal to thousands of individuals. It has been said that a bill embracing such provisions as the bill now before the House is a bill for the benefit of the poor. Sir, I deny the truth of the proposition. This is a bill the title of which should be, a bill to make the rich richer, and the poor poorer.

Mr. L. here traced the passage of such a bill as this to its probable consequences. He supposed the case of an individual in Pennsylvania, or in Connecticut, engaged in manufactures, the cost of whose buildings and fixtures has been ten thousand dollars, upon which (a common case) there was a mortgage for one half the

cost. To pay off this mortgage, when his employment for his machinery fails, his property is sold. Who buys it? Is it the poor man who purchases in such cases? Not at all; but he who has redundant capital. What is now the case, Mr. L. asked, in those parts of the country where pecuniary pressure is felt? Go into your cities, and you will find that the men who have a small or a middling property are paying at the rate of from 15 to 30 per cent. per annum for money. Who is it that is reaping the profit? Is it the poor man? No, sir, it is the rich capitalist, on those who are allowed to use his capital. If there was ever a system devised on earth to throw the property of the country into the hands of the few, at the expense of the many, it is the present financial system of the United States. I know it, sir, and I am willing that my judgment of the matter shall go to the country, for every practical man will know that what I say is true. Ay, sir, and the bill on your table goes to a much further extent than this, for it reaches the labor of the country. In one month after the passage of this bill, the business of every manufacturer and dealer in the country will be contracted. It is not the large capitalist, protected by his money-bags, who will feel its direct effects, but the laborer—the mechanic, who now gets two dollars or two dollars and a half a day. To him the employer says, on receiving information of the passage of this bill, I must stop my work! Oh, no! says the laborer, for you will take from me my means of support. Well, says the employer, I will, in order to keep you at work, give you henceforth a dollar a day instead of what I have heretofore given you. Gentlemen may flatter themselves that they are exempt from the operations of this bill; but no man, whatever his condition in life may be, is beyond the deleterious effects of this bill if it become a law. Mr. L. was sure, he said, that the Representatives from the Western States, or from the Southern, were not going for this bill. The Representatives from the Southern States, especially, would not go for it when the profits of their cotton crops were already in a process of reduction; for, although he knew that the crop of this year was a large one, the proceeds of that crop will fall far short of the proceeds of the crop of last year.

Mr. L. said it was not only to protest against the principles of this bill that he had risen, but to ask of the gentlemen in this House who have the power to do what they will—to pass this bill or to defeat it—whether this bill was to be considered as a proclamation issued by the present dynasty in the Government, or as a decisive token of the course of measures which we have to expect at the hands of the coming administration. For, he did not hesitate to say, if it is produced as a party measure, it will become the law of the land; but if not, by the aid of the Representatives of Pennsylvania, New Hampshire, Ohio, and Maine, whose constituents were so deeply interested in the matter, with those from at least a portion of the South, the bill might providentially be defeated. But, be that as it might, it was the imperative duty of the House to declare to the country, at once, immediately, whether or not it was probable that any bill like this would pass during the present Congress.

Mr. L. said that, whilst he was up, and as he might not have another opportunity, he would say one word on the state of the currency of the country. In the first place, said he, the domestic exchanges of the country are far greater in amount than all the gold and all the silver and all the bank notes in circulation—a vast deal greater. These exchanges are not now available to any great extent. To a very large amount they cannot be used, in consequence of the position in which, by its measures, the Government has placed the country. He meant no reflection upon the banks; for it is their interest to do all the business that they can, and they do it. But the channels of domestic exchange are obstructed, from the want of ability on the part of the banks; and a considerable proportion of our commercial difficulties arises out of that circumstance. Add to this and other causes the introduction of this bill, with the expectation that it is to become the law of the land, and you will produce a state of things the like of which very few members of this House have ever seen.

Mr. CORWIN obtained the floor; but the hour being late, he gave way to a motion for adjournment; and

The House adjourned.

THURSDAY, JANUARY 12.

LIGHT-BOATS NEAR SANDY HOOK.

Mr. McKEON, by consent, offered the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of placing light-boats on Flynn's Knoll and the Roamer, near Sandy Hook; and also into the expediency of publishing the charts now in the office of the superintendent of the coast survey.

Mr. McKEON was understood to state that he had offered this resolution in consequence of the dreadful shipwreck of the "Mexico."

Mr. UNDERWOOD said he did not rise to object to the resolution, but to suggest to the member from New York the propriety of making an amendment to it. He was told that the loss of the ship alluded to was attributable to the fact that no pilot was to be obtained. This pilot system, Mr. U. understood, was under the direction of the State Government. He wished to inquire whether the system ought not to be put under the charge of the Government of the United States.

Mr. McKEON was understood to say that a resolution directed to that very object had heretofore been submitted by himself, and referred to the Committee on Commerce.

The resolution was then adopted.

SURPLUS REVENUE.

The business first in order was the bill reported yesterday by Mr. CAMBRELENG, from the Committee of Ways and Means, to reduce the revenue of the United States to the wants of the Government; there being two motions pending—first for commitment, and secondly for indefinite postponement.

Mr. CORWIN rose and addressed the House as follows:

Mr. Speaker: I feel deeply sensible that I am about to occupy the time of the House upon a subject which cannot possibly be matured into legislation during the brief period that remains to us of the present session. It is the conviction that the bill before you, ushered into this House with a haste bordering upon rashness, contains within its provisions principles too momentous and vitally affecting a large portion of the country to be acted upon this session, that impels me to solicit the attention of the House to my reasons for sustaining the motion of the gentleman from Massachusetts [Mr. LAWRENCE] for the indefinite postponement of the bill. Sir, I am not sure that my thorough conviction of the necessity of tranquillizing the public agitation, which the presence of this bill here will excite, by an immediate rejection or postponement of it, would have overcome my habitual aversion to addressing the House, had I not, in common with my friends from Massachusetts and Pennsylvania, felt that such a course could alone insure the minority of the committee, with whom the bill originated, against misunderstanding, as well here as amongst those whom we represent. Had the motion to lay the bill and report on the table, and print them, prevailed, a paper most elaborate in its structure, and voluminous in its dimensions,

would have gone forth to the country, bearing upon its face no intimation that the whole committee did not concur in it. To prevent the possibility of such misconstruction, I feel it a duty to those who have honored me with a seat here to present my protest, against both the bill and the report which accompanies it, at the earliest moment possible. This poor privilege, sir, we had been denied yesterday, by the House, but for the timely substitution, by my friend from Massachusetts, [Mr. LAWRENCE,] of the motion for "indefinite postponement" for that which was made by the gentleman from New York, [Mr. CAMBRELENG.] The latter motion, by the strict law of Parliament, did not permit the minority of the committee to utter even a syllable by way of dissent to the principles of the bill or the report. Courtesy, however, it seems, had uniformly conceded to a minority thus situated, what the rigid rule denied; but in our case, the gentleman from New York [Mr. MANN] pertinaciously insisted on the letter of the law. Courtesy became inconvenient, and the "iron rule" of proscription was enforced. Permit me here, Mr. Speaker, to offer my thanks to the gentleman from Maryland [Mr. THOMAS] for his manly appeal to the House in our behalf. Such exhibitions of magnanimity are rare in these times, and ought not to pass unnoticed. I did desire, sir, to see the bill disposed of without entering into a debate on its merits; but as no explanation could be even hinted at without it, I am rejoiced that the present motion was made, which opens the entire measure proposed to free and full discussion.

I shall have occasion to refer to the report, as that is the exposition presented of the principles and policy on which the bill is based. In doing this, as I have only heard it read, and have not had the advantage of a perusal of its contents, I cannot pretend to quote its language, nor can I hope to be exact in giving even its substance. I am happy to see the honorable chairman of the Ways and Means [Mr. CAMBRELENG] in his seat, who will set me right should I at any time unwittingly mistake or misrepresent the true import of his production. I am very sure the gentleman will discharge such a duty to himself and to me with the utmost alacrity. As he, I doubt not, regards this, the youngest of his financial progeny, as possessing every combination of symmetry and grace, he will not sit by and see its beauty marred, without instant interposition in its behalf.

The most obvious objection to the introduction of this bill arises from a view of its intrinsic importance, and the difficult and delicate questions which are inseparable from any proposition which proposes a radical change in the existing tariff. The whole of the argument in the very voluminous report, which is nothing but the bill on your table, with a few facts and inferences to prop and sustain it, may be condensed into one or two sentences of plain English. It is stated (and I shall not now attempt to controvert any fact to which I shall have occasion to refer) that the existing tariff extends protection to labor employed in manufacturing in this country, the annual product of which is $300,000,000. It is assumed (and, for the sake of the argument, I shall admit it) that the protection afforded by our existing tariff laws is necessary, and no more than is necessary, to enable our own manufacturing establishments to exist in competition with foreign establishments employed in the same business. To sustain this proposition, the high price of labor and capital with us, and the comparative cheapness of both abroad, are asserted.

The report further asserts that the duties collected on imports by the rates established by the law of March, 1833, commonly called the compromise act, will, with the proceeds of the sales of public lands, bring into the Treasury, within the next eighteen months, more revenue, by seven millions of dollars, than the wants of the Government require. Here I beg gentlemen to observe that this last proposition is nothing more nor less than a combination of two conjectures. The first of these is, that the importations from abroad to this country, during the next five years, will reach a given amount. Whether this conjecture shall be verified must depend upon the numberless contingent events, the turn of which no human sagacity can foresee, arising out of the present unsettled condition of trade, labor, and currency, in Great Britain; the change that may be brought about in the markets of England by the termination of the intestine wars now raging in Spain and Portugal; and, lastly, the very capability of this country to consume and pay for foreign importations must depend upon reducing to order and stability the currency of this country, which, under the improving and sagacious guidance of this administration, has been conducted to a state of wild and unmanageable confusion. The next conjecture imbodied in the proposition I have last stated from the report is, that the public lands are to be sold without any legislative or executive restraints as to purchasers or quantities. In other words, it supposes the famous Treasury circular to be repealed. I beg the gentlemen of the far West particularly to notice one feature of this report. It is based upon the supposition that the bill now on your table, reported by one of your standing committees, with that title so captivating to patriot ears, "A bill to arrest monopolies of public lands, and to prohibit the sales thereof, except to actual settlers, in limited quantities," is to be scouted, thrown out of doors, and its place to be supplied by this more recent and happy assault upon the popular ear, bearing on its front the charmed phrase, "A bill to reduce the revenue of the United States to the wants of the Government."

The House will bear in mind that this bill proposes to remedy an apprehended evil. It looks into the future, and imagines that, in the next year and a half, the existing duties on imports will bring into the Treasury more money than is required for the uses of the Government by seven millions of dollars. I have already intimated that I object to the time selected for bringing into the House a measure fraught with so many difficulties as belong to every subject which proposes a radical change in our system of revenue.

Without adverting, therefore, for the present, to the merits of the bill, I feel confident I do not appeal in vain to the House to say that we cannot act upon it between this day and the 4th of March. Let gentlemen look at the necessary business now before us, and then calculate the number of days remaining for its final disposition. It will be remembered that Monday in every week is devoted to the reception of petitions; Friday and Saturday of each week, by another standing rule, are set apart for private claims. From what we have already seen during half the allotted term of the session, it is not to be expected that a moment of time can be withdrawn from that allotted to petitions, for the consideration of other business. No gentleman, I am equally sure, dreams that we should deny justice any longer than is unavoidable to the many hundreds of private claims which have been favorably reported on by that committee whose awards, with rare exceptions, are considered laws to the House. There is a large body of claimants of a miscellaneous character in one class, and the crippled soldiers and widows and orphans, the representatives of those who have fallen in your late wars with both civilized and savage foes, in another, and a not less meritorious few of the surviving veterans of your revolutionary struggle in another class, all pointing to the reports of your own committee, and showing claims upon your justice, some of them delayed for half a century. I cannot entertain so poor an opinion of the moral sense of an American Congress as to suppose it will turn aside from this work

of justice and benevolence, to enter into dreamy and heartless disquisitions upon the balance of trade; to ponder over tabular statements as incomprehensible as the Sybilline books; to adjust with contemptible accuracy the ad valorem duty on a foreign penknife, and this, too, for the purpose of preventing a few millions more or less from coming into that very Treasury whose doors, in the mean time, you close against those who demand of you the payment of your honest debts, for the non-payment of which many of your creditors are languishing in poverty and want.

You have then remaining for the despatch of general legislation three days in each week, giving about twenty-two days for the consideration of bills of a general nature, and all the appropriations for the current year. I ask the majority of the Ways and Means, who have pushed this new and perplexing subject on the House at this time, if it is modest, to say the least of it, to suppose that the House is to vote away twenty-four millions of dollars in appropriations, without inquiry, examination, or debate, further than to ask whether the Committee of Ways and Means desire it should be done? I ask this House, whose constitutional and most important function it is to know and approve the object to which every dollar is to be applied, before it sanctions its appropriation, whether it is willing, at the mere request of a committee, to give a draft on the Treasury for nearly thirty millions of dollars, and thus become the mere ministerial agent of the Treasury Department? This base abandonment of duty you must submit to, to this humiliation you must come, if you turn aside from the necessary duties of the session to consider the bill now before you; unless, indeed, you choose to rush madly upon an untried scheme, full of danger, and surrounded with doubt, upon the very reasonable presumption of the infallible wisdom of its authors.

But, Mr. Speaker, if we had all the time we could desire, for the adjustment of a new system of legislation to any real or supposed change in our condition at home, or with other nations, is this an auspicious period for the experiment? Turn for a moment to your latest advices from England. Every painful pulsation in that great heart of capital and trade is followed by a sympathetic throb on this side of the Atlantic. What is the state of currency throughout Great Britain now? The price of money rising, the banks stopping payment, and her financiers unable to foretell the time or the manner when or how this agitation shall end. Nor is our situation free from symptoms of coming misfortune. I shall not stop to inquire into the causes of the present anomalous situation of our own currency. My friend from Massachusetts, [Mr. LAWRENCE,] who addressed you with so much force and clearness yesterday, has left nothing to be said by any one on these topics. Sir, the results of that gentleman's actual experience, the reflections of his sound understanding, always aided by the promptings of a good heart, are with me better authority, on such subjects, than a thousand quartos filled with speculations of closeted economists. We all know that, from some cause, trade and currency seem to be divorced from each other; domestic exchanges are no longer regulated by the course of trade, and the very report on your table complains of a redundant paper circulation. Who can tell when the causes which have produced these effects shall cease to operate? Who can say in what they will finally issue? In this distracted state of things, what are we asked to do? We are required to enact a law that shall tear from its very foundations, where they have rested for twenty years on the faith of your laws, a capital and labor which produce property equal to three hundred millions of dollars a year. Is this a time to force such an amount of capital into new employment? Is this that period of calm when so much labor can safely be driven, with sudden violence, to abandon its safe and tried pursuits, and seek at once other and unaccustomed channels? No, surely this is not that time. On the contrary, it would add another to many elements of confusion already but too extensively and actively at work. Sir, it does seem to me that the unsettled state of the internal commerce and currency of this country is of itself an unanswerable objection to the present enactment of a law that all must see will powerfully increase the evils that already deeply afflict us. The natural instinct of brute animals, in such a crisis, would suggest caution and prudence as the course of wisdom, not rash adventure and wild experiment. If it were bad policy to protect by imposts the industry of your own people, if it could be shown to be unpatriotic and un-American to cherish by duties manufacturing skill, so that in time of war you might be able to furnish the commonest necessaries of life to your own people, still having done so, however unwisely at first, since by doing it you have created an immense amount of property, it would be madness, moon-struck madness, to crush that property at a blow. Sir, by the laws now in force, if you but let them alone, in five years, by your own showing, the evil of which you now complain will cease to exist. Instead of this, we are now asked, in order to get rid of seven millions of surplus revenue, to destroy an annual production of three hundred millions; and are gravely told that this will be a most salutary financial operation. Let gentlemen keep constantly in mind that the bill and report go upon the admission (at least it is not otherwise asserted) that the duties now imposed are barely sufficient to enable our own manufacturers to continue their business. With the single exception of iron, the report on your table will, I think, be found to be in substance as I have quoted it. If, then, you diminish that protection by curtailing it in the short space of eighteen months by seven millions, which by the law now in force would not be done till the end of five years, it follows, as a necessary conclusion, that you do abandon capital and labor, to the amount I have stated, to instant and total destruction.

Mr. Speaker, I have only suggested so much of the merits of the subject as I deem necessary to direct the attention of the House to the importance and number of the questions which we are called upon to decide, before we can safely vote for or against the bill. If, then, reflection requires time, if the exercise of reason is an agent in our researches after truth, if knowledge is not intuitive, we poor mortals, who are not gifted with those inspirations which seem to be the peculiar attributes of the authors of this bill and report, must beg a moment's pause before we decide. We must plod on in the old beaten way. We must proceed by painful and slow research; we must stop, look around us, and reflect much; and after great toil, and a long journey, we may possibly reach those lofty heights of transcendental political wisdom which the authors of this bill have scaled with the speed of lightning at a single bound. Is it to be expected, I again ask, that, in the twenty-two days that remain for general business, we can canvass, item by item, appropriation bills to the amount of near twenty-seven millions, and have time left us to labor through the difficulties that attend the bill under consideration?

Mr. Speaker, in connexion with the objections to a consideration of this bill, arising from a want of time, I must remind its authors, and the political majority of this House, of another subject, which, in justice to themselves and to the nation, they are bound to bring forward at the present session. I allude to an amendment of the constitution, so that the election of President and Vice President of the United States may, in no event, ever devolve on Congress. We are now approaching the termination of those eight years during which Gen-

eral Jackson has occupied the presidential chair. I believe each annual message to Congress, during all that time, has adverted in strong and sometimes imploring appeals to the National Legislature on this subject. I know that gentlemen have heretofore excused their neglect of these suggestions of the President, by saying that there was in the Senate a political majority opposed to them, and therefore the great reform, so much desired by the President and his friends, must wait till that opposition was subdued. Sir, whether fortunately or otherwise for the republic I will not say, but the fact is, that favored time, so long prayed for, has at length arrived. There is now a clear majority, in both branches of Congress, friendly to the existing administration. Now, a time has at length come, when we may with confidence call upon the friends of General Jackson to redeem his and their pledges, so often given, on this vital subject. I call especially at this time for action, and not promises and postponement. General Jackson, after this session, will be no more here, to admonish or advise us touching this interesting subject. It has made an imposing figure in that revolution which has subverted all the maxims of polity and law, whensoever and howsoever they were opposed to his suggestions. It has been a theme on which honest patriots and designing demagogues have dwelt with equal skill and power. The President, for the last time that his voice can ever be heard in public council, in language which bespeaks deep and abiding solicitude, again beseeches you to act. Hear what he says in his last message to Congress. Nearly at the close, and when he is about to bid a final adieu to you and the cares of public life, he gives this subject to your especial charge with all the solemnity of a dying declaration. He says: "All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment to the constitution which will prevent, in any event, the election of President and Vice President of the United States devolving on the House of Representatives and the Senate; and I therefore beg leave again to solicit your attention to the subject."

Is there, then, any reason now for not carrying this recommendation into effect, by the party having the power in both House and Senate to do so? None. I call, then, upon the "democratic party," as you of the majority sometimes (as if in derision of the name) call yourselves, to postpone this new experiment on finance; dispose of it at once for this year, because it stands in the way of a constitutional reform, on which, by your own admission, depends all your hope of liberty. Do this, or take the consequences. If you now refuse to act when you have the undoubted power to redeem your pledges, so often and solemnly given, the people of this country will believe that all your promises and professions were not the promptings of patriotism, but rather the hollow and selfish artifices of a shallow hypocrisy. However uncharitable some gentlemen might deem such a conclusion to be, in my judgment it would be most reasonable and just. Our conduct admits of no other explanation, if we consume the time allowed us in discussing the difference between two systems of revenue, and pass by unnoticed another subject which, by our own declarations, repeated in every form, touches our existence as a free people.

Sir, I might here content myself with thus expressing my objections to the introduction of this bill, at this time, by the committee of which I am a member. I have endeavored to satisfy the House that the necessary bills, without the passage of which the Government cannot execute its ordinary duties during the year, must occupy us the entire remainder of the session; and if we should possibly have any time not thus necessarily employed, that there are other matters of high and paramount national importance, which should take precedence of this. But there is another objection resting with great weight on my mind, which I cannot forbear to press upon the attention of gentlemen before I take my seat. I allude to the compromise act, as it is familiarly called, of March, 1833. If I am right in my conceptions of the true character of that law, we are not only forbidden to legislate in the way now proposed at this time, but that we cannot so legislate until after the 30th of June, 1842, without such sacrifice of honor and implied faith as would make a bandit blush.

I shall not pretend that Congress has not the power to alter essentially, or, if it will, abolish, the law fixing the rates of duties on a scale of gradual reduction from 1833 up to 1842; but I deny the right of Congress to do so, unless impelled by some dire necessity, over which it can exert no control. War, that greatest of all the ills that can befall a well-governed people, might present a case of such necessity. No such necessity is pretended. No gentleman here will risk his character for sanity, by rising in his place and declaring that, without a law like that on your table, the liberties or happiness of the people are in danger. No man, here or elsewhere, can pretend that the compromise act of the 2d of March, 1833, contains any principle which menaces the general welfare of the country, or that its operation and effects threaten our national prosperity with imminent danger. On the contrary, sir, the echoes of that general note of acclaim, which reverberated from one extremity of the Union to the other, at the passage of that law, are at this moment scarcely silenced. Our circumstances are not changed since the passage of that law, in any way connected with its provisions or policy. Hence I infer that, as that law, in its terms, fixes the measure of protection which shall be extended to domestic manufactures up to the year 1842, and as it was considered in the light of an arrangement, permanent up to that time, by the Congress who enacted it; and, further, as it was so regarded by both the friends and foes of the protective system, all over the country, and as those engaged in manufacturing shaped their business, and disposed their capital, in conformity to this general opinion, although you have the power, you have no right now to annul your understood engagement, when, by so doing, a capital and labor so great as to produce three hundred millions a year, which have been invested under the faith thus pledged, must be at once destroyed. By altering essentially, as you propose to do, the act of 1833, you bring upon this labor and capital what is equal to destruction; you sever them by violence from their present business connexions, and leave them to the mercy of accident for future occupation. I beg gentlemen to turn to the law of 1833, and see how all the features of a compact and permanent engagement are carefully impressed upon it.

The first section, taking up the protected articles, or such as paid a duty above twenty per centum *ad valorem*, subjects them to a scale of gradual reduction from 1833, until all are brought down to a duty of twenty per centum *ad valorem* in 1842. Why were the several periodical reductions adjusted so carefully through a peroid of nine years, if the law was not expected to continue in force for that length of time? Let any gentleman reflect on the history of that law for a moment, and he can have no further difficulty in finding the principles of a permanent compromise in it. Two great parties, as we all know, existed in the country. These were known by the designations of tariff and anti-tariff. The anti-tariff party, chiefly comprised in the Southern and Southwestern sections of the Union, demanded an abandonment of the protective principle, and a reduction of duties to a revenue standard alone. They alleged, that as they were consumers, and not producers of those articles

which were protected by law, they paid to the producer (in the protective duty) a bounty upon his labor; and insisted on the injustice of thus taxing the planting States for the benefit of the Northern manufacturing States. Such was the argument on one side, whether correct or not I shall not here pause to consider. On the other side, those friendly to the protective system alleged that the policy of protection was begun early in the history of the Government; that especially since 1816 it had been pursued with such vigor and constancy as not only to invite capital but actually to impel it into the business of domestic manufacture. They insisted, and with the most obvious reason, that to withdraw suddenly that protection would result in ruin to the capitalists, and wide-spread misery to the laboring classes. They proposed a system of gradual reduction of duties, which would give time for the acquisition of skill, so as to enable them to operate with little or no protection, or, at the worst, (if time were given,) a gradual and comparatively harmless withdrawal of their capital and labor from manufacturing pursuits could be effected. To this proposition the South acceded, and its substance will be found imbodied in the law of 1833. Thus gradual reduction, extending through a series of years to 1842, saved the manufacturer, while the prospective reduction of duties on all protected articles to one standard satisfied the principles contended for by the South. When this was settled, to make it binding and irrevocable till 1842, the parties inserted in the third section of the bill their solemn declaration to that effect. The section referred to reads as follows: "*And be it further enacted*, That until the thirtieth day of June, one thousand eight hundred and forty-two, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected." Could your language furnish words more emphatically expressive of a declaration by Congress that no change was to be made in this branch of your revenue system till June, 1842? Did you then expect your people to place no reliance on what you thus solemnly proclaimed as your determination? No; you did not expect the American people to treat you as hollow-hearted knaves, attempting to impose on their credulity. The sole object of proclaiming to them the unalterable character of the law of 1833 was to quiet the fearful agitation that then every where prevailed, and give stability to that interest—the manufacturing interest—which was most to be affected by your acts. What, sir, were the happy, the glorious effects of that compromise? The day before that law received the President's approval was overcast with the gathering cloud of civil war, deepening, spreading, and blackening every hour. The ground on which we stood seemed to heave and quake with the first throes of a convulsion, that was to rend in fragments the last republic on earth; at this fearful moment an overruling Providence revealed the instrument of its will in the person of one man, whose virtues would have illustrated the brightest annals of recorded time. He produced this great measure of concord, and the succeeding morning dawned upon the American horizon without a spot; the sun of that day looked down, and beheld us a tranquil and united people.

Are we prepared now to break the bonds of peace, and renew the war? I have said you have the power to do so, but I deny your right. I do not measure that right by the standard of law in a municipal court. I cannot conceive any idea more ridiculous or contemptible than that which finds no standard of moral or political duties and rights, for a Christian, a private gentleman, or a statesman, except that which is applicable to a contest before a justice's court, or a *nisi prius* jury. No, sir, I appeal to a law in the bosom of man, prior and paramount to this. I appeal to the South, where I know that law will be obeyed, and where I know I do not appeal in vain. I invoke its characteristic chivalry. I call for that sentiment of manly pride which is its offspring. I summon to my aid that sensitive honor which feels "a stain like a wound," which abhors deception, and shudders at violated faith. Will that South, which I am sure I have truly described, join in this odious infraction of its own treaty, and unite in this miserable war upon the laboring thousands who have confided in its securities—a war not waged with open force and strong hand—a war not waged to avenge insulted honor, but to recover the difference between five and ten cents duty upon a yard of cotton goods? Your approach to this battle is not heralded by the trumpet's voice; no, you are to take the proposed bill, and go on a marauding expedition, by way of reprisal. You are to steal into the dwelling of the poor, and boldly capture a mechanic's dinner! You are to march into the cottage of the widow, and fearlessly confiscate the breakfast of a factory girl, for the benefit of the planting and grain-growing States of this mighty republic! Such are the motives for this war, and such are to be the trophies of its victories. How little do they who have presented such arguments as these, in this report, know of the character of the people of the South and West! They vainly imagine that the high-minded sons of the South have drank of the fatal cup of the sorceress, and, like the companions of Ulysses,

"Lost their upright shape,
And downward fell into the grovelling swine."

The great grain-growing States of the West are informed, in this report, that they may reclaim a part of the tribute which, it is told them, they have been paying without equivalent, if they will agree to this bill. Let me tell the gentlemen that the West must first be satisfied they are free in honor to obey this call. The hardy race that has subdued the forests of the West, and in their green youth have constructed monuments of their enterprise that shall survive the Pyramids, is not likely, from merely sordid motives, to join in inflicting a great evil on any portion of our common country. The fearless pioneers of the West, whose ears are as familiar with the sharp crack of the Indian's rifle, and his wild war-whoop at midnight, as are those of your city dandies with the dulcet notes of the harp and piano, they, sir, are not the men to act upon selfish calculations and sinister inducements. They hold their rights by law, and they believe that compacts, expressed or implied, arising from individual engagements or public law, are to be kept and defended with their lives, if need be—not to be broken at will, or regarded as the proper sport of legislative or individual caprice.

Mr. Speaker, we have heard much of late that is new to us, if not alarming, on this subject of legislative compact. From authorities of no mean consideration we have heard it boldly preached that the validity of a compact arising out of law is an exploded paradox. It is represented as a relic of "old times," and we are told that it is inconsistent with the liberties of the people. The liberties of the people! It was to establish "the liberties of the people" that Robespierre and his infamous associates preached the same doctrine to the deluded and frantic populace of France. Is the American Government now to adopt this creed of political faith? How long is it since we were about to wage war with France for refusing to fulfil a treaty which, in the language of our constitution, was nothing more than "the supreme law of the land?" For this we were ready to launch our thunders upon the seas, and arm our whole population for the contest on the land. We required the proud monarch of the most warlike nation of modern times to humble himself before the offended majesty of "public law." It is for a supposed violation of "public law" that your armies have been alternately hunting after,

and flying before, the fierce Oceola, for a whole year, through the lagoons and hammocks of Florida. It is not to be supposed that a people, thus acting, can be brought to disregard like obligations, whether contracted by express or implied compact, with its own citizens.

I hope, sir, I shall be pardoned for dwelling, it may be, somewhat too long upon this topic. I must now call the attention of the House for a few moments to what I deem a singular phenomenon in our history, as set forth in the report on your table. It is said that the planting and grain-growing States have, since 1789, paid to the manufacturers of this country about three hundred and fifty millions of dollars, for which they have received no equivalent. Sir, if this be true, since the Israelites were required by the Egyptian tyrant to make bricks without straw, there is no parallel to such monstrous oppression.

I have already stated that I will not pretend to quote the precise language of the report. I am sure it is stated that duties on imported articles to the amount of six hundred and eighty-two millions of dollars, besides thirty millions for its collection, have been paid since the year 1789. It is also stated in the report, that more than one half of this aggregate had been levied on protected articles. The whole scope of the report labors to prove that this duty on protected articles is a grievous and oppressive tax on consumption, for which no equivalent is received in return. Connected with these positions, the author of the report endeavors to show that the planting and grain-growing portions of the Union were, and are, the consumers, and the few Northern manufacturing States the producers, of the protected articles; that the former are the payers, and the latter the receivers, of the duties; which duties are represented as a mere bounty to the labor of the North, for which the South and West never have been, and, in the nature of things, never can be, reimbursed. Sir, I shall not now trouble the House, nor my friends, who put forward this fact as a truth proved by figures and tabular statements, with any argument opposed to it, but I must be allowed to advert to it as a Western man with feelings of pride. At the same time, I must, in common with others, labor under some doubts of the fact asserted, arising out of the known history of the last twenty or thirty years.

If the West and Southwest have paid their due proportion of this unjust and unremunerated tax of three hundred and fifty millions within the last forty years, while, at the same time, they have, as the world knows, conquered the savages who possessed the whole Western and Southwestern territory, cleared the thick forests which overshadowed it; in short, if that portion of the United States has, in less than half a century, as all admit, reached a point of improvement in wealth and arts which other times and people required ages to achieve, then, I say, I may with pride and confidence challenge the whole world, within the period of authentic history, to parallel the wonderful people which I have the honor, in part, to represent.

But, Mr. Speaker, sober reality and stubborn facts compel me to repress this exultation at our fancied superiority; modesty compels me to doubt whether truth places us so far above common mortality as this report has done. Facts, known facts, those unaccommodating things, that ruin so many beautiful inventions of fertile and ingenious minds, are constantly thrusting themselves before, and in the way of, the figures and philosophy of the gentleman who has labored in this report to push by them, and drive over them, to reach his favorite conclusions. You will observe, Mr. Speaker, that we are told of the "treasuries other than those of the United States," into which this enormous tribute of three hundred and fifty millions has been poured. In the same connexion you hear of the "princely establishments" that have been reared up and sustained by it. The "princely establishments" are in the Northern manufacturing States. The "princes" to whom the tribute is paid are the people of this happy, favored region. Where, sir, are the poor oppressed tributaries, according to this report? Why, sir, in that sinking, ruined, wasted wilderness, the West!

The author of this report, under the influence of a too fervid imagination, has spurned the shackles and broken through the embarrassments arising from facts connected with the scheme of his theory. He represents the Northern manufacturing States as another imperial Rome, seated on her seven hills, rioting in the luxuries of the despoiled and impoverished South, her treasuries bursting with the enormous wealth poured into them from the ravaged and desolated provinces of the West. Manufacturing is pictured as the finger of Midas, turning every thing it touches into gold, while it would seem that growing grain and planting cotton brought only taxation without equivalent, poverty and unrequited toil. Sir, if all this were true, what would follow? The people of this country, however they may be excelled by other nations in the walks of letters and the polite arts, are known to be shrewd and well-informed touching their own pecuniary interests. Such a people would be found rushing into the manufacturing districts, to reap harvests of wealth, and wallow in monopolies that drained every other portion of the Union to swell their accumulation. Such a people would be found to shun, as a land of pestilence and death, the agricultural region, where nothing awaited them but taxation, and consequent poverty. Sir, I regret that fact and the truths of history compel me to spoil the beautiful theories and exact calculations of this admirable report; but, sir, truth, however unwelcome, will be found, at last, the safest guide, in wandering through the labyrinths of speculation and theory. What, sir, is the fact? Why, for thirty years the tide of emigration has been from this very land of wealth, and not to it. The exodus has been from the land of promise, to the house of bondage. The shrewd Yankees have been flying from wealth, and ease, and monopoly, in their own country, to this very oppressed grain and cotton raising region of the West, seeking taxation, oppression, and want! For these last three years, as every American (except the authors of this report) well knows, population from the Northern States has been ploughing its way through the ice of the Northern lakes, and bursting over the mountains, till the roads and rivers are literally choked with its masses. Where are these colonists going? To the West, to raise grain, and be taxed! To the Southwest, to grow cotton, and become poor! Such is the reasoning of the report. Now, I beg to know whether it is not taxing our good nature quite too far to ask us to believe, and act upon, ingenious theories, and long columns of figures, standing, as they do, opposed to facts, admitted, known, and understood, by every man in this Union over twenty-one years of age. To come to the conclusion at which the report has arrived, we are required to admit that man is blind to and careless of his own personal advantage. Nay, more: the authors of this report require you to deny to our American race the common instinct of all animal creation. The philosophy of this report teaches that man shuns ease, and desires toil; that he hates pleasure, and loves pain; that he eschews wealth, and courts poverty; that he flies from power, and seeks subjection. All this jumble of contradictions we are required to admit as self-evident truths, simply to explain existing facts in a way not to contradict this erudite treatise on trade and finance.

Mr. Speaker, I know it is impudent to obtrude our crude notions upon those to whom, from their position,

we are taught to look for the lessons of wisdom; but I hope I may be allowed to inquire of the majority of the "Ways and Means," whether it had not been better had they reviewed slightly their philosophical reading, before they sat down to the arduous task of writing the production now before us. Had they turned to the pages of Bacon, with which I am sure they must be familiar, they would have found a maxim which, since the days of the great author of the "inductive philosophy," has never been disregarded. I think, if my memory is not at fault, it teaches that in all our researches after truth we must reason "*ex præconcessis aut ex prægnitis.*" For the benefit of my unlettered Western friends, I am bound to render myself intelligible, by giving it in their own mother tongue. I will not be responsible for accuracy, but I am sure I shall not mistake the substance. The rule simply requires us always to reason from facts previously admitted, or previously known to exist.

Had this rule been observed, the authors of this report might have remembered that the oppressive tax on the cotton grower, paid in the shape of duties, was in some measure repaid him by a market for 350,000 bales of his cotton in this country every year, which market he could not have without the tax. It might have occurred to them, that the grower of grain, who paid his proportion of the duty on protected articles, was not so badly off, since he found in those "princely establishments" spoken of a market for his flour, pork, and beef, which, without these establishments furnishing a market, might have rotted on his hands. They might have thought the immense emigration to and vast improvements of the West were facts worth attention, in ascertaining whether that West was oppressed by the tariff, in a way too grievous to be borne. Far be it from me to assert, sir, that these facts would have puzzled the gentlemen; I only mean to say, sir, that vulgar and coarse minds would have been better satisfied with the report had some notice been taken of them.

Before I take leave of the subject, I wish to notice a few other difficulties which oppose the consideration of this bill at this time, and which spring from a source that will not be disregarded by the majority of this House. It will be seen that the bill proposes a reduction of our income, within the next eighteen months, of seven millions. A very considerable portion of this reduction falls on the receipts of the present year. The question I ask here is this: Can the Treasury bear this curtailment of its resources now? To answer this I appeal to an authority which for these last two years has never been questioned or doubted by the gentlemen who present this bill to the House. I allude to the annual report of the Secretary of the Treasury, made on the 6th of December last.

The receipts into the Treasury, from all sources, during 1837, are estimated at $24,000,000. I quote the very language of the report. Gentlemen will find I am right by reference to Document No. 2 of this session, page 4. After enumerating the various sources (such as customs, public lands, &c.) from which this amount is derived, the Secretary proceeds to compute the amount of expenditures for the present year. I shall give his own language, from the same document, page 5:

"The expenditures for all objects, ordinary and extraordinary, in 1837, including the contingent of only $1,000,000 for usual excesses in appropriations, beyond the estimates, are computed at $66,755,831, provided the unexpended appropriation at the end of this and the next year remain about equal."

Here gentlemen will see that, instead of reducing the revenue down to the wants of the Government, our income, from all sources, in 1837, falls short of our expenditures, as estimated, nearly $3,000,000. If the Secretary is right, (and will the gentlemen of the majority be so bold as to say he is wrong?) then the effort should be to increase the taxes to raise the revenue up to the actual wants of the Government. And, sir, if it were not for the five millions, which are kept in reserve for extraordinary demands on the Treasury by the deposite bill of last year, according to the calculations of Mr. Woodbury, we should be compelled now to increase the duties on foreign merchandise during the present year, or borrow money to meet the demands on the Treasury. Let us see what the Secretary further says on page 5 of the same report. I again quote his own words:

"From these calculations it will be seen that, if the outstanding appropriations unexpended at the close of 1837 be as large as at the close of 1836, and the other expenditures should agree with the above estimates, they would exceed the computed revenue accruing from all sources nearly $3,000,000, or sufficient to absorb more than half of that part of the present surplus which is not to be deposited with the several States. But if these outstanding appropriations at the close of 1837 should be much less than those in 1836, as is probable; or should the accruing receipts be much less, or the appropriations made for 1837 be much larger than the estimates, a call will become necessary for a portion of the surplus deposited with the States, though it will not probably become necessary, except in one of those events."

In the extract I have read, the Secretary has quite distinctly told us that the probability is, we shall not only absorb all the accruing revenue, and the five millions not deposited with the States, by the expenditures of 1837, but that the States will be called on to repay a portion of the money deposited with them, to meet the wants of the Government during the present year. How, sir, does the policy of reducing the revenue, as proposed in this bill, agree with this state of things? Pass the bill, sir, and in eighteen months, it is said, you will save in the pockets of the people seven millions, which would otherwise be drawn from them by the laws now in force. And, in the same time, if you place any confidence in the Secretary of the Treasury, you will be compelled to take from the people of the States (who are to have the use of the money deposited with them) an equal amount, if not more. What a miserable piece of bungling jugglery would this be! You simply take seven millions out of one pocket of the people and put it into the other, and gravely tell them you have saved to them seven millions of money by the process. Sir, the people of the States are not to be thus deceived. Let them look to this measure and its sure results. It is designed to bring about a state of things which will compel a call on them for the surplus revenue deposited with them, and which I am happy to see their Legislatures are using to the general advantage of their constituents.

But it is possible the friends of the Secretary will tell me his conjectures and calculations are not to be relied on. Shall I receive that answer from the gentlemen composing the majority here? Whose authority is it that is thus to be contemned? The very man whose behests have been laws to the Committee of Ways and Means ever since I have had the honor to be one of them. Sir, I have observed that it has been thought by that committee not only unwise, but even contumacious, factious, rebellious, to oppose any demand or to doubt any view taken by the Secretary of the Treasury. Nay, sir, I have thought sometimes that his friends on that committee considered it conclusive evidence of essential vulgarity; it was proof with them that a man had not seen "good society," if he presumed to question the propriety of any estimate or any requisition coming from that high and responsible source. So prevalent were

these opinions, that I fear I have sometimes yielded my assent to appropriations, merely to preserve my character for "gentility" with the "*haut ton*," who compose the majority here, as they do in the committee of which I am a member. How is it, then, that we are now to dismiss all regard to the suggestions of this officer? Has not the President certified to you that he has discharged his duty with great ability and great fidelity? Do we not hear his friends every where extolling him to the skies for a prodigy of financial wisdom? Did not the President select him for his great and comprehensive knowledge of that most perplexing of all sciences—political economy; for his large and accurate acquaintance with the channels of trade and the sources of national wealth? Surely no one of the majority will doubt this. Now, sir, what respect is paid to his opinions, his "official opinions," by the bill and report on your table? True, it cannot be denied, for the President has said it is so, that he has discharged his duty with fidelity. Is it not unkind, then, in his own friends, his "ministering servants of the" Ways and Means, to treat his labors with such cruel indifference? See him day and night, watching the various currents of trade, that bring wealth to the people and revenue to the Treasury; sacrificing his ease and health to those "thoughts which waste the marrow and consume the brain;" year after year denying himself, with stoical fortitude, the gaieties of this most refined and fashionable city, brooding with ceaseless and anxious care over the Treasury, if not the treasure; he sits like "sad Prometheus fastened to his rock." And now, sir, as if they were determined that this Titan of the Treasury should realize the fate of his prototype of old, his ancient friends, it seems, by some magical change, turn tormentors, and are prepared to thrust their vulture-beaks into his liver, and, with remorseless voracity, devour his flesh, without ever terminating his pain. Sir, to drop figure, and speak in plain prosaic English, this bill asks you to treat every opinion of the present Secretary as stupid nonsense, and take as infallible truth the conjectures of this report in their stead. I ask the friends of the Secretary if they are prepared for this; if not, they will vote with me to postpone the bill.

Let it be remembered that the Secretary of the Treasury, whose views are diametrically opposed to the passage of any law looking to a reduction of the revenue, has given his opinions only a month ago. Surely he has not changed all his notions respecting our probable receipts in 1837 since he published his last report. I should be glad if my colleague, [Mr. HAMER,] who told us the other day "he had lately been behind the curtain," would inform us whether, amongst other precious secrets, he had heard any thing of a total change of the Secretary's opinions on this subject, within the last few weeks.

Mr. Speaker, if the gentlemen who have brought forward this measure have emancipated themselves from all respect for the opinions and recommendations of your chief of finance—a respect bordering heretofore on absolute submission to his will, a little attention to documents emanating from a quarter still more venerated will exhibit them in an attitude of still more exalted independence. They are, however, (if I may be pardoned a conjecture so uncharitable,) scarcely entitled to a position so enviable as that of self-relying and self-resolved freedom of action. Something of the dross of selfishness, unhappily for poor humanity, mingles in the composition of the purest motives, and stains the glory of the most sublime achievements. The committee have, I fear, betrayed something too much of a quality, or, to speak phrenologically, an organ, of combativeness. They have not only spurned all the trammels of precedent, and despised all the opinions of the Secretary of the Treasury, but determined that paradox should, in themselves at least, have the merit of originality. They have set at naught, nay, scorned, the solemn injunctions of the President himself. Thus, they may be said to stand "alone in their glory." Sir, we have heard much of General Jackson's system of administration. If any meaning is to be attached to this word "system," which can stand against the arbitrary dictation of party, it will be admitted that it implies a plan which comprehends an order of proceeding by principles extending over the time, at least, of a presidential term. In this view, we can at once see how great principles are as true and applicable in practice in 1837 as they were in 1836. This being admitted, let us see how the bill and report now before us harmonize with the doctrines on the same subject, expressed in strong and earnest advice to Congress, in the President's message a year ago. I quote the entire passage from the message of 1836:

"Should Congress make new appropriations, in conformity with the estimates which will be submitted from the proper departments, amounting to about twenty-four millions, still the available surplus, at the close of the next year, after deducting all unexpended appropriations, will probably not be less than six millions. This sum can, in my judgment, be now usefully applied to proposed improvements in our navy yards, and to new national works, which are not enumerated in the present estimates, or to the more rapid completion of those already begun. Either would be constitutional and useful, and would render unnecessary any attempt, in our present peculiar condition, to divide the surplus revenue, or to reduce it any faster than will be effected by the existing laws. In any event, as the annual report from the Secretary of the Treasury will enter into details showing the probability of some decrease in the revenue during the next seven years, and a very considerable deduction in 1842, it is not recommended that Congress should undertake to modify the present tariff, so as to disturb the principles on which the compromise act was passed. Taxation on some of the articles of general consumption which are not in competition with our own productions may be, no doubt, so diminished as to lessen, to some extent, the source of this revenue; and the same object can also be assisted by more liberal provisions for the subjects of public defence, which, in the present state of our prosperity and wealth, may be expected to engage your attention. If, however, after satisfying all the demands which can arise from these sources, the unexpended balance in the Treasury should still continue to increase, it would be better to bear with the evil until the great changes contemplated in our tariff laws have occurred, and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject."

Here gentlemen will perceive that the bill and report are at war with the President's opinion, solemnly expressed, on the same subject. Mark, however, the terms employed to designate the act of 1833: he calls it the "compromise act." As he anticipates a considerable reduction in our revenue during the next seven years, and especially in 1842, he warns us "not to disturb the principles on which the compromise act of 1833 was passed." Spoken like a man sensible of the obligations of legislative and public faith! Sentiments worthy the Chief Magistrate of a nation governed by law, whose duty it is to see the obligations of law faithfully observed! He speaks familiarly of the "principles" upon which the compromise act was passed. What does he mean by the "principles" of that act? Nothing else than these mutual stipulations by the great contending parties to that compact, providing for a stable, fixed rate of duties, which should remain, as the act itself expresses it, till June, 1842. The bill disregards the principles, or rather violates and destroys the principles, on which

the compromise act was passed. The report, instead of anticipating a reduction of revenue by the laws now in force, goes about facilitating that reduction by legislating in a way contrary to the whole tenor of the President's opinion which I have quoted. Sir, I call on the chairman of the Ways and Means to say when, before now, he has ventured on a system of policy not approved by the "speech from the throne;" I ask him why he did not bring forward this bill last year, when every possible expedient was resorted to to get rid of a surplus, which was about to go to the States, as it did go, under a law so odious to the Prince Regent, who is to mount the throne the 4th of the coming March? A bill reducing the revenue then would have saved the troubles and dangers of a deposite with the States. That was the time, if ever, to have urged its passage. Since the surplus has gone to the States, no reason exists for reduction. Do not gentlemen see that a most uncharitable view may plausibly be taken of their course? It will be said, that as the President had forbidden you to disturb the compromise, and at that time had a year of his reign remaining, in which his power of reward and punishment could be exerted, you then dare not incur his displeasure; but now, when only six weeks of that reign are left, to be spent in the languor of convalescence, or it may be in the agony of pain, you may treat the opinions of your old chief with contempt, relying on the sure protection of the Executive elect. Of the chairman of the Ways and Means, (whom, if I may not number among my friends, I cannot call my foe,) I fear it may be said that his eye has been so dazzled by the glitter of expected coronets, under the new reign, that he has lost sight of all regard for the principles and authority of that which is now almost numbered with the past. "High-reaching Buckingham grows circumspect." What a striking exhibition is here of the emptiness and vanity of earthly renown and mere human power! But yesterday, and, like the mighty first Cæsar, "the word of Andrew Jackson might have stood against the world," and now, "none so poor as to do him reverence." Deserted by all his old and faithful followers, abandoned by those adoring crowds of self-styled democrats, I alone, an obscure and derided aristocrat, from the far West, as our nomenclature has it, I alone stand by the desolate old man, vindicating his opinions, and stemming, as I best can, that torrent of contempt poured out by his own former friends, which is likely to pursue and overwhelm him in his retreat from the scene of his glory.

How are we to account for this singular event? Singular indeed it is, apparently, but really what was to be looked for. Politicians who belong to what I may denominate, for the sake of distinction, the school of idolatry, do not worship the setting, but always the rising sun. No sooner, therefore, do we see the level beams of the retiring hero's setting orb begin to melt into the twilight, than, as we might expect, the thick crowds turn wistfully to a dubious and uncertain dawn in an opposite quarter of the heavens. With characteristic fitfulness it now shoots a gleam of faint light above the horizon, and anon withdraws it from the sight. At last, "half concealed, half disclosed," it rises on the world, and hither the multitudes repair to "worship and adore."

Thus, and thus only, can we account, sir, for those eccentric movements and strange contradictions which crowd themselves into the annals of the little and great aspirants after the perishable honors of this world; and this bill we are to receive as the first offering upon the altars erected to our new divinity. It is in this way our new sovereign will signalize the beginning of his reign. He will destroy, in the first year, 300 millions of property, all for the good of his loving subjects; and, with the blessing of God, which may be most reasonably expected to attend so beneficent a work, proceeding at this rate, he will succeed, in his reign of four years, in destroying twelve hundred millions of the nation's property. Thus will our excellent democratic Government enable our people to feel the force of that consoling declaration of Scripture, "Blessed are the poor."

Mr. Speaker, I should be happy to spare myself the pain which it always gives me to recur to former transactions in a way likely to excite unpleasant feelings; but I have the misfortune to differ with the majority of a committee of which I am a member: I am, therefore, compelled in self-defence to give every reason in my power for the course my conscience impels me to pursue.

The House are already apprized that the bill on the table presupposes a surplus of revenue as certain to accrue within the next eighteen months. The existence of this surplus is the evil the bill is intended to prevent. Whether this apprehended surplus will accrue is matter of opinion. I wish, then, to present another, and only one other, document, to show the reliance to be placed upon the opinions of that very majority of the Ways and Means, who now require us, on the faith of their opinion and conjecture merely, to pass this bill. Many gentlemen will remember that various projects for the disposition of the surplus revenue were referred to this same committee, composed of the same persons last year which now compose it. On the 1st of July, 1836, just before the close of the last session, and only about six months ago, a report was made, from which I propose to read an extract. It will be seen by this extract what were the opinions of the committee then, as to any surplus which might possibly come into the Treasury, and also their prognostics as to the probability of such an event happening at all.

After disposing of a variety of topics, and reviewing our past history, as usual, complaining with becoming indignation of bad currency in England and America, and deploring the existence of an evil spirit of speculation, notwithstanding the late death of the United States Bank, the report concludes as follows:

"Our revenue from customs and public lands, after 1837, is not likely to exceed the expenditures of Government. It is, therefore, important that, whatever surplus we may have in the mean time, whether deposited with the local banks or in the State treasuries, as is proposed after the 1st of January next, should be preserved, to be applied to the extraordinary purposes we have been compelled to provide for during this session, and for similar expenditures, which, in the present state of our Indian relations, may again become necessary. On the balance in the Treasury on the 1st of January next, and the revenue which may be received in 1837, there will be charged, in addition to the current expenditures of that year, and all extraordinary demands that may occur, probably near fifteen millions for appropriations authorized at the present session, making the claims upon the Treasury in the next year greater than in the present, while the revenue of 1837 will be considerably less than that of 1836, and leaving the surplus at the close of that year much diminished. As our income will not probably then exceed our current expenditures, we must rely entirely upon what surplus we may have to defray all expenses which may become necessary in extinguishing Indian titles to lands, removing the tribes beyond the Mississippi, and for other subjects of expenditure of an extraordinary character."

I beg the House to notice with what oracular gravity the prophets then uttered their predictions. "Our revenue from customs and public lands, after 1837, is not likely to exceed the expenditures of Government." We are then kindly, but still peremptorily, admonished to husband our surplus, if any, to meet those exigencies which every wise and considerate man should always be prepared to expect in human concerns. Again: at the

close we are thus addressed: "As our income will not probably then exceed our current expenditures, we must rely entirely upon what surplus we may have to defray all the expenses which may become necessary in extinguishing Indian titles to land," &c. So spake the prophets six months since. And now, up jumps the chairman of the Ways and Means, "modest as Morning when she eyes the youthful Phœbus," and full of the same inspiration that burned in the bosom of the seer in July last, and, in the same solemn prophetic tones, he tells us our income will exceed our expenditures. Now we are admonished not to husband any surplus we may have, but to reduce the revenue by seven millions in the next year and a half, so that no surplus whatever shall remain.

Sir, when I see with what ruthless hand the committee has torn to pieces every shred of character for either ability or fidelity of the Secretary of the Treasury, and how with the same destructive appetency they have trampled down the authority of the President himself; and, lastly, when I see with what ridiculous gravity these two reports of the some committee, differing only six months in their ages, contradict each other, I hope the gentlemen will pardon the degrading analogy, but really I can think of nothing like them but the celebrated "cats of Kilkenny;" they have at last literally swallowed each other. Sir, I have done with this subject. I know I have detained the House already too long; for this I must find an apology in the fact that I had not the most distant thought of addressing the House on this subject till the afternoon of yesterday. Without further time for arrangement of topics, I could not hope to preserve that order which is so favorable to brevity as well as perspicuity. Let me again implore the House to put this subject at once at rest. The worst evil that can come is a surplus of a few millions; and even this the highest officer in the Government connected with your financial system tells you is impossible. But if it should occur, send it, as you have done before, to the States, where it can be used as well as kept. If this surplus is an evil, in that way you can rid yourselves of it as easily as the shipwrecked apostle shook off the serpent that fastened upon his hand. At all events, let your people rest one year from your miserable experiments. Let your former blunders teach you some caution. In your attempt to bring about a gold currency you have flooded the land with bank notes. In destroying the United States Bank monopoly you have raised up a greater monopoly in public lands. Now you are to try the experiment of breaking down what are called in this report the "princely establishments of the North." Sir, you will not, cannot, at least now, effect this last and most cruel experiment. Let us then put this bill quietto to sleep somewhere; let it rest in peace till 1842; then, perhaps, it may reappear amongst us under other auspices, and with better claims to our regard.

When Mr. CORWIN had taken his seat,

Mr. CUSHMAN rose and addressed the Chair as follows:

Mr. Speaker: The gentleman from Massachusetts [Mr. LAWRENCE] has asked, in a very strong and emphatic manner, whether there is any member from New Hampshire, as well as from some other States in New England, who will rise in his place, and declare himself to be in favor of the principles contained in the report of the Committee of Ways and Means, relative to a modification of the "tariff," so as to bring the revenue down to the actual wants of the Government. At a time like the present, when, by a wise and judicious administration of the General Government for the last eight years, the public debt has been entirely extinguished, a surplus revenue of more than forty millions has been accumulated, it appears to me that the sentiments contained in that report are such as ought at once to be responded to by every true-hearted American. That the principles contained in that report are the sentiments of a great majority of the people of New Hampshire, I have not the least doubt.

Yes, sir, I think that I should do my constituents great injustice, should I neglect to declare here in my place, and on this occasion, that their opinion is, that this reform should have been completed at the commencement of the last session of Congress. I am wholly ignorant of their wants, if their wishes and desires are not in favor of reducing the revenue at once to the wants of an economical Government, and for limiting the sales of the public lands also to actual settlers. A large majority of that people believe that government is instituted for the general good of the whole community, and that the Government should carry on its operations upon the principles of a close and rigid economy. That no more money should be abstracted from the pockets of the people than what may be necessary for the support of the Government upon those principles. Consequently, they are opposed to a high tariff for the purpose of raising money to be expended under the superintendence of the General Government, in constructing railroads and canals, or any other internal improvements, which fall within the limits of what has been denominated the great American system. In a word, they believe that they have capacity to manage their own property in their own way, and that they ought to have the privilege of so doing, excepting so far as they are constitutionally bound to contribute to the support of the Government.

This privilege they would always enjoy without molestation, were it not for a few individuals in our country, who seem to think that they are entitled to the peculiar care and protection of the Government. But, sir, this assumption is not well founded. The constitution of the United States gives equal rights and equal privileges to the whole American people. It was upon this basis the Government was founded; and it is this fact that gives so much harmony and consistency to the whole system. It is this equality of rights which has thus far, and which I hope and trust always will, bind the people so closely to the republican institutions of our country, and to the Union of the States. I believe that the foregoing sentiments are in perfect accordance with the opinion of the great apostle of democracy, (Mr. Jefferson,) notwithstanding the manufacturers, both in this House and elsewhere, quote him as an authority for giving encouragement and protection to domestic manufactures. That Mr. Jefferson was in favor of encouraging domestic manufactures I readily grant; but that he was in favor of giving them any exclusive advantages over other branches of industry I deny. And it would seem, also, that those who have been in the habit of quoting that venerable gentleman—that distinguished patriot and statesman—as an infallible authority upon this subject, suppose that he was in favor of the system as it is now pursued in this country, of forming manufacturing towns and cities like unto those of Birmingham and Manchester. But, sir, if gentlemen will only compare Mr. Jefferson's opinion upon this subject with that which was uttered on a different occasion, and a different subject, they must be convinced that he alluded to a very different system of conducting domestic manufactures from the one which has been pursued in this country. My opinion is, that he alluded to those which should be literally domestic; to those, and those only, which should be carried on around the domestic fireside. In that case, the natural alliance between agriculture and manufactures would have remained unbroken, and consequently the conflicting interests which now prevail would never have been heard of in our halls of legislation.

There, sir, the husbandman, with the male portion of

his family, is employed in growing the flax and the wool, while the good housewife, with her daughters, are engaged at the spinning-wheel and the loom, manufacturing wearing apparel sufficient for the wardrobe of each member of the family. This was the system of domestic manufactures to which that wise and patriotic statesman alluded. The other supposition would make him contradict himself, wherein he compares great cities to great sores upon the body politic. How much better the family system would be to the country than the other I shall not now stop to inquire. But I think that every candid and impartial mind will admit that it would be of infinitely more service to the country to raise up a hardy, intelligent, and virtuous race of agriculturists, and housewife economists, than a sickly and feeble race of operatives.

It is a fact, however, that the manufactories in this country, especially in the Eastern States, have been multiplied, one after another, upon almost every waterfall, till the wild and uninhabited deserts have been transformed into populous manufacturing cities. And those capitalists who have invested their funds in those great and expensive establishments have thought, and I doubt not sincerely thought, that they were entitled to some exclusive rights and privileges. Hence they have, from time to time, with great pertinacity, urged their claims upon the consideration of Congress, to grant them protection by excessive and onerous duties upon foreign importations. These solicitations have not been disregarded; but, on the other hand, Congress has, in compliance with the importunities of a few capitalists, levied upon the indispensable necessaries of life the most unrighteous and oppressive duties. With this oppressive system of taxation, however, the people have borne without a murmur until the United States debt was entirely extinguished.

This having been accomplished, and a surplus revenue of more than forty millions having been accumulated, what could be more reasonable or natural than an expectation on the part of the people that Congress would forthwith relieve them from an oppressive system of taxation? Not only oppressive, but unjust and unconstitutional. They know very well that the United States do not want the money, because the General Government has already been obliged to acknowledge her incompetency to keep what she now has. They believe, also, that the time has arrived when even the manufacturer, as avaricious as he may be, must admit that he needs not the aid of the Government to enable him to carry forward his operations. And the cotton manufacturer readily grants that he can successfully compete with the whole world, save in the printed or stamped fabrics.

I have no doubt that the time has arrived when the woollen manufacturer ought to make the same acknowledgment. I believe that it is universally acknowledged, by machinists of the first reputation, that the machinery used in our manfactories has been carried to much greater perfection in this country than in Europe. And, although the laborer commands more wages here than in Europe, (which I hope will always be the case,) yet, owing to the difference in the labor-saving machinery, as well as to the fact that our operatives perform much more labor in the same given period of time than they do in Great Britain, make their aggregate expense about the same to the British manufacturer that it is to the American. I do not vouch for the truth of the above facts, yet I am free to confess that I most firmly believe their truth; and the reason that I believe them so is, because they have been communicated to me by those who had the means of knowledge, and by those in whose statements I have perfect confidence.

Is it not a fact that the great body of the American people are now paying, and for years past have been compelled to pay, much more for coarse woollens than they ought to pay? Is it not a fact also that broadcloths are selling in the market for four, five, and six dollars per yard, the actual cost of which does not exceed one dollar and a quarter? If the above facts be true, then it is very evident that our manufacturers are receiving a most enormous interest for the capital which they have invested. I trust, therefore, that Congress will no longer tax the many for the benefit of the few.

Another very important question, sir, has been propounded by the gentleman from Massachusetts, which ought to receive a brief reply. The gentleman has asked, with much warmth, and with strong emphasis, whether there is a concert of action upon this subject in the administration party of this House. I trust in God that there is a concert of action upon this all-important measure by the administration party in this House and out of this House. Not, sir, that the friends of the administration, excepting so far as the honorable Committee of Ways and Means may be concerned, have compared mind with mind upon this subject; yet I hope and trust that there is a concert of action, growing out of a common political faith, which will enable the majority of this House now to perform what should have been done during the last session of Congress. Whether there be a concert of action here or not, one thing is certain: that there is a concert of action among the people, which will, in due time, force its way hither, and produce a concert of action here, which will relieve them from their oppressive burdens.

Is it from a belief that there is a concert of action in the administration party of this House, or is it from a conscious conviction, on the part of the opposition, that the tariff ought to be reduced, that makes them so sensitive about touching what they are pleased to call the compromise act? We are implored again and again not to disturb this act, as it would be a breach of faith; that it would be an act of injustice to the manufacturer. I would be the last man to disturb any legislative act, or to impair in the slightest degree any article of compact, so long as it shall be for the public good not to do so. But, sir, when the public good requires the repeal, alteration, or modification, of any act of legislation, either of a public or a private character, I am prepared to act forthwith. Unless this is done, the enactments of legislative assemblies will become the engines of tyranny, oppression, and injustice, instead of being a blessing to the country, and the purposes of legislation be defeated.

It is said, however, that the tariff act of 1833 was the result of compromise relative to several conflicting interests of the country, therefore it ought not to receive any modification until the time therein mentioned shall have expired. Almost all enactments, to a greater or less extent, are the result of compromise, and should not be disturbed so long as they shall promote the general welfare of the people. But, I repeat, sir, that when the public interest does require a repeal or modification of any law, whether public or private, it is the duty of the Legislature forthwith to correct all existing evils, so far as it may be in the power of legislation to effect that object. if these principles are correct, then no one should hesitate for a moment so to modify the tariff as shall reduce the revenue of the United States to the wants of the Government. Although it is denied by the gentleman from Massachusetts that there is now any surplus on hand, yet upon what principle of mathematics he comes to such a conclusion I cannot imagine. According to the evidence which I have received upon this subject, I again affirm there is a surplus revenue of more than forty millions now in deposite, subject to the draft of the United States.

Mr. Speaker, if gentlemen will take the trouble to

look into the compromise act, as they please to term it, they will find that there is no such sanctity as they have attempted to cast around it. No, sir; but, on the contrary, they will find that it contains a clause which provides for the very state of affairs in which we find ourselves. This provision declares "that nothing herein contained shall be so construed as to prevent the passage, prior or subsequent to the said thirtieth day of June, one thousand eight hundred and forty-two, of any act or acts, from time to time, that may be necessary to detect, prevent, or punish, evasions of the duties or imposts imposed by law, or to prevent the passage of any act prior to the thirtieth day of June, eighteen hundred and forty-two, in the contingency either of excess or deficiency of revenue, so as to adjust the revenue to either of said contingencies."

Yet, sir, notwithstanding the above-mentioned provisions, we are told that it would be sacrilege to touch the tariff. And the ostensible reason, which has been repeated again and again, why we must not modify the above-mentioned act, is, because it would be a breach of the public faith. But, sir, is this the cause why gentlemen are so extremely sensitive upon this subject, or is it because it may in some measure affect the interests of a few private individuals?

But, sir, supposing there had been a deficiency of public revenue to meet the expenses of the Government, what then would be the language of those gentlemen who are so very sensitive relative to the preservation of the public faith? Would it in that case be treason to disturb the compromise bill? No, sir; in such a crisis of affairs, if the friends of the administration did not come forward, by concert of action, to provide for the deficiency, we should be told that we were not only sacrificing the interests of the manufacturers of our country, but that we were sacrificing the country herself.

I readily grant that if there had been a deficiency of revenue to meet the wants of the Government, then the tariff ought to be revised immediately, and the duties so increased upon the importation of foreign merchandise as would at once supply that deficiency. And as there is a great surplus of public revenue, upon the same principle, I now here in my place, on behalf of the people of my own State, as well as for the whole country, demand a modification of the tariff, so that the revenue of the United States may be brought to the wants of the Government. I hope that the voice of the people, through their representatives upon this floor, may be heard, and their expectations forthwith gratified. For, sir, I am firmly persuaded that, unless there is a modification of the tariff this session, so as to relieve the people from the present unjust, unrighteous, and oppressive taxation of the necessaries of life—their daily consumptions—that they will petition the President to assemble a new Congress.

But, sir, if the friends of the administration, as well as of the country, will do their duty, a modification of the tariff and the limitation of the sale of the public lands may be effected the present session of Congress; and unless the rights of the great body of the people are to be yielded up to the importunities of a few interested individuals, this desirable object will be accomplished. I say a few individuals, for that portion of our fellow-citizens who have invested their surplus capital in domestic manufactures compose only a fraction of one-eighth of the business men of the country. Yes, sir, seven-eighths of the business men of our country are agriculturists—the cultivators of the soil—the actual producers of the indispensable necessaries of life. And although those who have an invested interest in domestic manufactures, as well as the operatives, are entitled to great respect, yet how much better it would be for the country to raise up a hardy, industrious, intelligent, and virtuous race of yeomanry, than a pale and sickly race of operatives, which are collected together in our manufacturing cities.

It does appear to me that, if any class of people on earth is entitled to exclusive privileges, it is those who are engaged in husbandry. Yet this valuable class of our fellow-citizens, which, as I have before observed, compose the country, have claimed no such distinction. As a justification for the clamor which the manufacturers have constantly made at the doors of the National Legislature, they have even again and again asserted that the agriculturists have been protected in their great and important interests, by a duty imposed upon the importation of foreign grains. But, without dwelling longer upon this point, I will only ask the attention of the House, as well as the country, to the following astounding facts, contained in a statement from the Treasury Department, wherein it will be seen that the duty on foreign grain imported into the United States annually, from 1826 to 1835, inclusive, has virtually been no protection to the agriculturist. Let the statement speak for itself:

In the year	1826,	on wheat	$862 00,	on oats	$95 80
Do	1827,	do	295 00,	do	77 30
Do	1828,	do	179 25,	do	122 50
Do	1829,	do	68 75,	do	30 70
Do	1830,	do	117 50,	do	208 10
Do	1831,	do	218 75,	do	67 70
Do	1832,	do	267 75,	do	124 70
Do	1833,	do	486 25,	do	39 00
Do	1834,	do	300 50,	do	178 30
Do	1835,	do	62,626 25,	do	3,121 00

It is also mentioned, in the same communication from the Treasury Department, that "the amount of duties which accrued in 1836 have not been adjusted; but from the quantity imported, as far as ascertained, it is estimated that the duties on wheat will have amounted in that year to $125,000, and on oats to $15,000."

What an insult this, to this great and highly meritorious class of people! Here we perceive that, in a time of plenty, there is a duty of a few hundred dollars upon foreign grain, to protect the great agricultural interests of the United States; and, sir, in a time of comparative scarcity, what is the amount of duties upon the above description of foreign grains? Why, sir, the enormous sum of one hundred and forty thousand dollars! While the agriculturists are receiving this pitiful protection, they are paying a duty on salt alone, to say nothing of the enormous duties on iron and steel, and all the other necessaries of life, of seven hundred thousand dollars. From the above table of duties it will appear that, in a time of plenty, the quantity of foreign grain imported into the United States is very limited, so that the assertion is virtually true, that it affords no protection to the agricultural interests of the country. I think they will grant that they need no protection, and that they desire none excepting that which is to be derived from an equitable system of laws, and the watchful care of a kind and merciful Providence.

It is said, however, by the advocates of the tariff, that if the farmer does not receive any benefit from the duty imposed upon the importation of foreign grain in a time of plenty, yet he feels its influence in a time of scarcity. But, sir, I believe that in a time of scarcity, of want, and of privation, the American agriculturist would spurn from him the suggestion of increasing his wealth at the expense of his unfortunate neighbor. Yes, sir, this class of people have too much generosity, humanity, and magnanimity, to take advantage of such a regulation, in order to enhance the price of their own grain to one whose crops have been providentially cut down by an untimely frost. No, sir; at such a time import as much foreign grain as you please, still the price of domestic bread

stuffs will be high enough to satisfy every husbandman whose disposition is not corroded by avarice.

Mr. Speaker, much has been said, during the time this subject has been under discussion, of home industry. Is home industry entirely dependent upon those who are interested in domestic manufactures? Where is the agriculturist? Has he nothing to do in promoting home industry? Where is the merchant, who is carrying on an extensive and flourishing commerce? Ought he not to come in for a share of the praise for encouraging home industry? Where are all those who are engaged in the mechanic arts? Are they not also advocates for home industry? Does home industry depend upon collecting together three or four thousand females, to spin and weave in a factory? Could not these same females be just as industrious at the paternal fireside as when huddled together in a manufacturing city? My belief is that they could, and that it would ultimately be much more conducive to their own welfare if they would remain under the watchful eye of an affectionate mother, and in her presence, and under her direction, attend to domestic manufactures in the family circle.

Sir, the cupidity of the salt manufacturer of New York, the owner of coal mines in Pennsylvania, the cotton growers of the South and the West, the cultivator of hemp in Kentucky, and the sugar manufacturer of Louisiana, have all been entreated to come up to the rescue of the woollen manufacturer of New England. I would also come to their rescue, if I could do it upon just and constitutional principles; but just and equitable principles, as well as the provisions of the constitution, forbid it. Before this can be done, the constitution must be modified, so as to give authority to Congress to distribute the surplus revenue; and the order of nature must be entirely changed, so that that which is now unjust shall become just. For this reason, I think there will be no response from either of the States which have been mentioned. Although, by a reduction of the tariff, the salt and the sugar manufacturer, as well as the cotton and the hemp grower, and the owner of the coal mines, as above mentioned, may have the price of those articles thereby reduced, yet a moment's reflection will teach them that, for all these reductions, they will be doubly compensated by a reduction in their own family expenditures.

But, sir, the people of those States, as well as their representatives upon this floor, are, I trust, too firmly attached to the principles of justice and the constitution to be swerved from the path of duty from any sinister motives. They will ask for what purpose duties upon the importation of foreign goods were imposed. And let me put this question to the friends of the administration—those who have been educated in the school of Jeffersonian democracy—for what purpose do you lay duties upon foreign importations? Your answer will be, "to pay the debts and provide for the common defence and welfare of the United States." The above paragraph embraces all the power which Congress possesses upon this subject. May lay taxes to pay the debts and provide for the common defence and general welfare of the country. Not to distribute among the States, nor to protect this, that, or the other, particular branch of industry, in which any portion of our people may be engaged.

Notwithstanding, however, the dominant political party of the United States believe that the powers of Congress are thus limited, yet there now is, and there always has been, ever since the adoption of the constitution, a large and powerful political party which pretend that Congress has power to distribute the people's money at will, and also to protect any branch of industry that it chooses to protect, and in any way and manner it chooses to do it. Supposing such a doctrine had been avowed when this instrument was laid before the several State conventions for ratification, what would have been the result of the deliberations of those conventions? Would the constitution of the United States have been adopted? No, sir, never. It would have been rejected as a tyrannical and oppressive form of government, fit only for the protection of a few monopolists. If Congress can tax the people for the protection of any number of individuals, or for distribution, then it may make a specific appropriation for the protection of a single individual.

To test this mode of construction, let an individual come up here and say to Congress that he has invested the whole of his capital in domestic manufactures; that owing to the great competition, both in this country and in Europe, he shall be ruined unless Congress will make him a specific appropriation, to aid him in contending with this competition. Is there a gentleman upon this floor who would dare to record his name in favor of such an appropriation? Not one. No, not one. How then, I ask, can the members of this House consent to prolong this onerous system of indirect taxation upon the people, to raise money which is not wanted, which is entirely useless, or worse than useless? One would be as much a violation of the constitution and the principles of justice as the other. I therefore entreat every member of this House who professes to be a literal constitutionalist, all who profess to belong to the democracy of the country, who have any regard for individual rights, to act in concert upon this great and important measure, and forthwith remove the evil which is preying upon the vitals of the people, and sapping the foundations of all our invaluable institutions. Yes, sir, I appeal to all the friends of equal rights and privileges to come forward in support of sound constitutional principles, and the cause of justice and humanity; to come forward with a determination that this session of Congress shall not close without a modification of the tariff.

Mr. GALBRAITH said that as he was anxious to have an opportunity of bestowing on the bill and report a deeper consideration than he had yet been able to give to them, and as he had no doubt that there were others similarly situated, he moved to postpone the further consideration of the subject until Tuesday next, and that the bill, report, and tabular statements, be printed.

Mr. MUHLENBERG said he did not propose at this time to enter into the merits of the bill; but as it appeared to him that the discussion, if allowed to continue, would consume the whole balance of the session, without eliciting a final decision, he moved that the bill, report, and documents, be laid on the table, and that they be printed.

Mr. CALHOON, of Kentucky, moved a division of the question—first, on laying the bill, &c. on the table, and then on printing.

Mr. PATTON called for the yeas and nays on the motion of Mr. MUHLENBERG; which were ordered.

Mr. CAMBRELENG was understood to ask the gentleman from Pennsylvania [Mr. MUHLENBERG] to withdraw his motion.

Mr. A. MANN said, that as this was a very important question—

[Cries of "order!" "order!"]

Mr. M. said he merely wished to make a motion, and when gentlemen had done calling him to order he would do so.

[Cries of "order!" "order!"]

Mr. M. said he wished to move a call of the House.

Mr. OWENS called for the yeas and nays on that motion; which were ordered, and were: Yeas 105, nays 91.

So a call of the House was ordered.

The Clerk proceeded to call the roll, but had not made much progress when, on motion of Mr. LANE, all further proceedings in the call were suspended.

The question then recurred on the motion to lay the bill and report on the table, and to print the same.

After some desultory conversation as to whether the motion to lay on the table and print was in order, which point, however, was not pressed—

Mr. VANDERPOEL moved that the House adjourn, and called for the yeas and nays; but subsequently withdrew the motion.

The question then recurring on the motion to lay on the table,

Mr. CAMBRELENG hoped that, before the question was taken, the bill would be read by its title.

Mr. C. was called to order.

Mr. McKEON inquired whether, before he gave his vote, he might not ask if he was not about to vote for a bill to reduce the revenue of the United States to the wants of the Government.

The CHAIR was understood to say that the gentleman from New York could not do so as matter of right.

Mr. WISE said he was not present when the bill was read, and he wished to know what the bill was on which he was about to vote.

The SPEAKER said the title of the bill was, "A bill to reduce the revenue of the United States to the wants of the Government."

Mr. WISE wished to see whether the contents of this bill corresponded with its title.

Mr. MANN objected; but the bill was again read.

And the question on the motion to lay the bill and report on the table was then taken, and decided in the negative, as follows:

YEAS—Messrs. Adams, C. Allan, H. Allen, Anthony, Ashley, Bailey, Beaumont, Bell, Black, Bond, Borden, Briggs, Buchanan, J. Calhoon, W. B. Calhoun, G. Chambers, J. Chambers, Chetwood, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Everett, Fowler, French, Galbraith, R. Garland, Granger, Grennell, H. Hall, Hard, Harlan, Harper, S. S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Howell, Hubley, Hunt, Ingersoll, Ingham, Janes, Jenifer, R. M. Johnson, Henry Johnson, Kilgore, Lansing, Laporte, Lawrence, T. Lee, Lincoln, J. Mann, Samson Mason, Maury, McKennan, Mercer, Miller, Milligan, Morris, Muhlenberg, Parker, D. J. Pearce, J. A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Potts, Reed, Russell, Schenck, W. B. Shepard, Slade, Spangler, Sprague, Steele, Storer, Sutherland, Toucey, Turner, Vinton, Wagener, Wardwell, Washington, E. Whittlesey, T. T. Whittlesey, Young—93.

NAYS—Messrs. Ash, Barton, Bean, Boon, Bouldin, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Dawson, Deberry, Doubleday, Dromgoole, Dunlap, Efner, Elmore, Fairfield, Forester, Fry, Fuller, J. Garland, Gholson, Gillet, Glascock, Graham, Grantland, Grayson, Griffin, Haley, J. Hall, Hamer, Hannegan, A. G. Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Huntington, Huntsman, Jarvis, C. Johnson, J. W. Jones, B. Jones, Klingensmith, Lane, Lawler, J. Lee, L. Lea, Leonard, Lewis, Logan, Love, Loyall, Lyon, A. Mann, Martin, W. Mason, M. Mason, McComas, McKay, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Patton, F. Pierce, Peyton, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, A. H. Shepperd, Shields, Shinn, Smith, Standefer, Taliaferro, Thomas, John Thomson, Waddy Thompson, Turrill, Vanderpoel, Ward, Webster, Weeks, L. Williams, Wise, Yell—117.

So the House determined that the bill should not be laid on the table.

Mr. HOLSEY said, that as his section of the country was interested in this subject, and as he wished to submit a few remarks to the House, he would now, the hour being late, move that the House adjourn.

Mr. H. withdrew his motion, on the suggestion of Mr. CAMBRELENG and moved that the bill, report, and documents, be printed; which motion prevailed.

After transacting some other business,

The House adjourned.

FRIDAY, JANUARY 13.

SURPLUS REVENUE.

Mr. E. WHITTLESEY asked the indulgence of the House to postpone the further consideration of the bill to reduce the revenue of the United States to the wants of the Government, in order that reports of committees might be received. If this motion should prevail, Mr. W. said it was his design, after the committees had made their reports, to ask the House to take up and dispose of such private bills as could be disposed of in the course of the day, and as would elicit no debate.

Mr. JARVIS inquired how it was to be ascertained what bills would elicit debate, and what not.

Mr. WHITTLESEY said, when it was found that a bill was about to excite debate, a motion might be made for its postponement.

Mr. BELL said he did not wish to throw any obstacle in the way of the transaction of the business of the House, but he thought that the only way by which the general subjects before the House could be reached was by adhering to the ordinary course of proceeding. If the bill and report on the tariff stood in the way, let them be postponed; but let there be no partial action. He had no objection, if the friends of the bill desired it, to move that the further consideration of the bill be postponed until Wednesday or Thursday next, and that the bill, &c. be printed.

The SPEAKER said that there was already a motion pending for postponement until Tuesday next, submitted by the gentleman from Pennsylvania, [Mr. GALBRAITH.] This was the first question now pending on the bill, and the gentleman from Georgia [Mr. HOLSEY] would be entitled to the floor.

Mr. HOLSEY said he had no objection to a postponement.

Mr. CAMBRELENG was understood to say that he was very anxious to take up some of the appropriation bills in the early part of the week. It was not his intention, nor the intention of the Committee of Ways and Means, to arrest discussion on the tariff bill. He would suggest to the gentleman from Tennessee [Mr. BELL] to move the further postponement of its consideration until Thursday next, and to make it the special order of the day.

Mr. LAWRENCE said that he had proposed to withdraw his motion for indefinite postponement, and to move that the bill be committed to a Committee of the Whole House on the state of the Union.

The SPEAKER said that that motion had heretofore been submitted, and was now pending.

Mr. LAWRENCE then withdrew his motion for indefinite postponement.

The SPEAKER said that the two pending motions would then be, a motion to postpone to Tuesday next, and a motion to commit. If a motion was made to postpone to a later day, that would take precedence. If the motion to postpone was withdrawn, the question would then recur on the motion to commit.

Mr. BELL then withdrew his motion to postpone to a day certain.

The SPEAKER said that the question would then recur on the motion to postpone until Tuesday next.

Mr. THOMAS moved to postpone until Monday week, with a view to give the House an opportunity to dispose of the grave and important question of the admission of Michigan into the Union.

Mr. ADAMS said he hoped the gentleman would name some other day than Monday, as that was the only day on which members had an opportunity to present their petitions.

Mr. THOMAS substituted Tuesday next.

Mr. JARVIS hoped the bill would be suffered to take the ordinary course. Let it be committed to a Committee of the Whole House on the state of the Union, and then the House could take it up at any time they saw fit. He wanted no special orders, if they could be avoided.

The SPEAKER said, if the House rejected the motion to postpone, the motion to commit was next in order.

Mr. WARDWELL inquired if it was not necessary that the bill should be committed.

The SPEAKER reminded Mr. W. of his decision, made the other day, that the bill need not, as matter of necessity, be committed.

The question on the motion of Mr. THOMAS, to postpone the further consideration of the bill until Tuesday week, was taken, and lost.

And the question on the motion of Mr. GALBRAITH, to postpone until Tuesday next, was taken, and lost.

Mr. McKAY moved to postpone until Thursday next; which motion was also lost.

Mr. PARKER moved to commit the bill to the Committee on Manufactures.

The motion to commit to the Committee of the Whole on the state of the Union, having precedence of Mr. PARKER's motion to commit to the Committee on Manufactures, was taken, and decided in the affirmative. So the bill was committed to the Committee of the Whole on the state of the Union.

Mr. SMITH, from the Committee of Ways and Means, reported a resolution ordering ten thousand extra copies of the report of the Committee of Ways and Means, relating to the reduction of the tariff, to be printed for the use of the House.

The resolution, under the rule, would lie over one day.

Mr. SMITH moved its consideration at that time.

Mr. BELL inquired if it was in order to consider such a resolution then.

The CHAIR replied that it was, as it was a report from a committee.

Mr. LAWRENCE really hoped that objection would be withdrawn, for it was a most important document, and ought to be extensively circulated among the people.

Mr. BELL had made no objection, but only an inquiry on the point of order. No motion being made to consider, the resolution was read.

Mr. MANN, of New York, suggested a larger number, for that ordered would be inadequate to the wants of the members for their constituents. He moved that twenty thousand be printed.

Mr. DENNY. Why, that is enough to poison them!

Mr. CRAIG thought the original number proposed sufficient.

Mr. MANN would meet the views of gentlemen on both sides, and he therefore proposed fifteen thousand. Lost.

Mr. WILLIAMS, of North Carolina, moved to strike out ten thousand, and in insert five thousand. Lost.

Mr. BRIGGS moved to include the bill with the report, which was agreed to; and, so amended, the resolution was concurred in.

The remainder of the day was spent in the consideration of reports and private bills.

SATURDAY, JANUARY 14.

IMPRISONMENT FOR DEBT IN THE DISTRICT OF COLUMBIA.

Mr. ADAMS rose and said that, on the third day of last June, a resolution reported from the Committee for the District of Columbia had been adopted by the House, requesting the Secretary of State to ascertain and report to the House the number of persons imprisoned for debt since the year 1820, in the District of Columbia; the time during which they had been imprisoned; the amounts of their respective debts; the portions thereof which had been paid in consequence of their imprisonment; the expense to the creditors of maintaining them, &c. Mr. A. wished to inquire from the chairman of the Committee for the District of Columbia, or from some other member of it, whether there had been any report from the Secretary in answer to the resolution.

[It appeared, from a statement made by the Clerk of the House, and Mr. W. B. SHEPARD, that such a report had been made during the present session of Congress, that it had been placed in the hands of the official printer, but that, being very long, copies of it had not yet been furnished to the members.]

Mr. A. said his reason for making the inquiry was, that amongst the prisoners was one of his constituents. The individual was confined there during the last session, at the time this resolution was adopted. He was there still, for debt; and it was Mr. A's firm belief that he was there only for having been too zealous in the discharge of his duty as an officer of the Government, for debts vastly inferior in amount to what was due to him from the nation, if justice was done.

Mr. A. was anxious that the House should act on the resolution.

TEXAS.

Mr. PICKENS was desirous of some information from the Committee on Foreign Affairs in relation to the subject of Texas. He wished to inquire of the honorable chairman of that committee (whom he saw in his seat) if he could give the House some information when a report on the subject of the President's special message in relation to Texas might be expected from that commitee, or if any report at all was to be made. He hoped the chairman would respond to his inquiry.

Mr. HOWARD (chairman of the committee) said he had no objection at all, and would reply cheerfully, so far as he knew, to the question propounded by the gentleman from South Carolina. The committee had been very industriously engaged in the consideration of that subject, and had held repeated meetings upon it. As yet, they had come to no conclusion. He could only repeat that the committee had lost no time in the investigation, for it had occupied their almost undivided attention since it had been referred to them, almost to the exclusion of every thing else.

Mr. PICKENS. Was he to understand that the committee had come to no conclusion whether they would report or not?

Mr. HOWARD. They had come to no conclusion whatever.

ORDER OF BUSINESS.

Mr. HARLAN asked the consent of the House at this time to submit a resolution that on Monday next the States should be called for petitions in reverse order.

[This resolution, if adopted, would entitle the new States to be first called upon.]

Objection having been made,

Mr. DAVIS moved a suspension of the rule.

Mr. ADAMS said he hoped that the rule would not be suspended. He hoped the House would understand

what he presumed to be the object of the resolution; that was, to postpone the debate commenced on Monday last, and which was left in a state of suspense; one gentleman having begun a speech which he did not finish. The object of the resolution was to give that subject the go-by. He hoped the debate would be suffered to take its course.

And the question on the motion to suspend the rule was taken, and decided in the negative: Ayes 88, noes 46—two thirds not voting in the affirmative.

So the rule was not suspended.

Mr. LEWIS said the question had certainly not been understood in that part of the House, or the rule would have been suspended. He called for tellers.

The CHAIR said it was too late; the decision of the House having been announced.

Mr. BELL gave notice that he would renew his motion for leave to bring in a bill to secure the freedom of election. He had forborne to urge this subject on the consideration of the House, because he had expected that the resolution proposed by the gentleman from Kentucky, [Mr. C. ALLAN,] in relation to grants of the public lands to such States as had not heretofore received them, would be disposed of this morning. But if the House would persist in these abortive motions to suspend the rule for partial purposes, he should be compelled to press his motion. He would waive it now, if the House would resume the consideration of that resolution.

THE PUBLIC LANDS.

The House resumed the consideration of the resolution heretofore offered by Mr. ALLAN, of Kentucky, providing for grants of public lands to such States as had not heretofore received them, together with the amendments thereto pending.

Mr. LANE, who held the floor when the subject was last under consideration, resumed and concluded his remarks.

Mr. BELL said he rose more for the purpose of submitting a few remarks on the propriety of bringing this discussion to a close, than for any other purpose, although the subject was of great interest, and though he had himself been perfectly willing it should be sent to a committee. He thought, however, that the proposition was too narrow for the time at which it was brought forward; and he thought that the necessity of broader action must have become apparent to every man. If there was one question, above all others, on which prompt action was required, it was that of disposing permanently of the various questions which had arisen in relation to the public lands. If they were to be distributed in any degree, to any extent, let it be done. If it was not the sense of the country that this should be done, let Congress declare that sentiment by a vote which would give proof of its permanence.

The question of graduation, for instance, was intimately connected with this subject; but he did not consider even that of so much importance as that the question should be settled one way or another. He would give his vote at once in favor of the graduating system, provided the question could be settled permanently. Mr. B. then alluded to the question of pre-emption rights. Justice required that the inhabitants of the country should know what was to be our established policy; and that, if it was not intended to give these pre-emption rights, Congress should at once declare so. He regarded the permanent settlement of these questions, however, as of far less importance than the mode by which they should be settled. He was ready to reduce the price of public lands, if such should be the sense of the House. He believed it to be for the interest of the country that it should be done; and he should hereafter, at a proper season, have something to say on this topic. He would move to postpone the further consideration of the subject until this day fortnight, in order that the States might be called in their turns for resolutions; or, if any member would suggest it, he would move to lay the whole subject on the table.

Mr. BOND moved that the same be laid on the table.

Mr. C. ALLAN called for the yeas and nays on that motion; which were ordered.

Mr. HUNTSMAN inquired of the Chair whether, if the motion to lay on the table prevailed, the effect of that vote would be the final rejection of the resolution.

The SPEAKER said it would be in order to move to take up the subject at any time, when motions of similar import were in order.

Mr. C. ALLAN moved that the House proceed to the private orders of the day.

Mr. BELL hoped the subject would be disposed of now.

Mr. C. ALLAN objected; and the Speaker thereupon announced the private orders of the day, when several engrossed bills were taken up and passed.

N. AND L. DANA.

The bill to refund certain duties paid by Messrs. N. & L. Dana & Co., on salt destroyed by flood, coming up--

Mr. SMITH said he commended most sincerely the vigilance with which the honorable gentleman from Tennessee [Mr. C. JOHNSON] watched over the Treasury of the Government. He was sure, nevertheless, that the gentleman was no less ready than others to refund to individual claimants their honest dues, in cases where, upon full investigation, the Government is shown to be possessed of moneys that rightfully belong to individuals. I am most sensible, said Mr. S., of the impossibility that every member upon this floor should examine with a just scrutiny every claim that comes before us, so as to enable him to discriminate justly between their merits, and the principles which they respectively involve. If the honorable gentleman from Tennessee had thus scrutinized the claim now before the House, and ascertained carefully the distinction that exists between the principles it involves and the principles of the "fire bill" reported in favor of the New York city merchants, he would not have assimilated this bill to that, as being of precisely the same character, and as establishing a precedent by which millions of dollars would be drawn from the Treasury. Sir, said Mr. S., this bill, however it may be of a kindred character with the New York fire bill, is not dependent upon the same principles with that bill; and the passage of this bill will furnish no precedent for the passage of the other bill, of which the gentleman from Tennessee expresses so much apprehension. Whether there be in the other bill sufficient merit to justify its passage or not, it is not now the time to decide; nor do I now feel myself called upon to say whether I shall or shall not give that bill my support.

What, sir, is the character of the bill now before the House? It is to refund the duties paid upon a certain amount of salt imported by the claimants, and destroyed by a most extraordinary flood, on the night of the same day when it was landed upon the wharf. I beg leave to call the attention of the House to a candid consideration of the principles involved in this bill; for they are, as the gentleman from Tennessee has supposed, of much magnitude, and certainly of great interest to the mercantile interests of the country, as well as of interest to the Government; they merit the deliberate consideration of the House.

The principles adopted by the Committee of Ways and Means, in reporting this bill, are specifically stated in the report which I had the honor to make to the House upon it, and are as follows:

"That relief for the remission of duties upon goods destroyed by inevitable accident can be safely granted in those cases, and in those cases only—

"Where the goods were still in their original state as imported, and had not entered into the mass of commodities destined for the immediate consumption of the country.

"Where the circumstances of the loss are such as not only to excite no suspicion of fraud, but as expressly and directly to exclude the possibility of it.

"Where the loss could not have been covered by ordinary insurance, or guarded against by the caution and diligence of a vigilant and prudent man of business.

"Where the evidence to all these points is full, direct, unquestionable, and of the highest nature the case will permit."

Now, sir, I appeal to the deliberate judgment of this House to determine whether these principles are not founded in sound policy and substantial justice, both as they affect the Government and the mercantile community. Both are deeply interested in the judgment of Congress upon this subject, and justice towards the one must be measured by what is also justice towards the other. The case now before us, sir, comes pointedly and indisputably within both the letter and equity of these principles. The salt was destroyed while in its original state. The circumstances of its destruction are such as to exclude the possibility of fraud; it was landed under the inspection of the custom-house officers, and its destruction is testified by them, as also its amount. It was a loss that could not have been covered by ordinary insurance. No companies exist to take insurances of property against risks by flood upon the land; and no merchant or other person ever dreamed of seeking such an insurance. Such an insurance, against flood upon the land, would indeed imply of itself great negligence in regard to the place of storing the property, and be proof of its being an insecure and improper place. Sir, this property, as the proof in this case abundantly shows, was stored where no flood had ever been known to reach in fifty years past. It was a place of supposed security, and no vigilance would have anticipated the event which destroyed it. To all these points the proof is plenary, indisputable, and above the suspicion of fraud. Then, sir, I ask, is there a gentleman upon this floor who will controvert the justice of this claim, or contend that the duties thus paid ought not to be refunded?

Mr. Speaker, I am not one of those who feel themselves tied down to any set of principles, from mere regard for precedents. I, for one, care not whether a case has precedent in its support or not. I look at the principles believed to be involved in each case as it arises; and if these are such as commend themselves to my judgment, I will support the case, though a thousand precedents be arrayed against it; and so, on the contrary, if a case that exhibits precedents without number in its support comes not within my notions of just reasoning and sound principles, I will oppose and repudiate it. But, sir, I know there are gentlemen upon this floor who do place reliance on precedent, and who ask, for every new case that arises, if precedent exists to justify it. To such I will say, I have precedents enough in support of every principle involved by this claim to sustain and justify its allowance; and one precedent, in particular, will I furnish the House, where not only the abstract principle of this case, but every incidental circumstance of it, finds an astonishing similitude. History scarcely records two accidental and distant events so strangely alike as the one now before us and the one I will cite directly.

But, sir, I will begin with the earliest legislation of Congress upon this subject of remitting duties on imports destroyed. The principle recognised by Congress in many of them was that of remitting duties upon such articles as had been accidentally destroyed while in the shape of their original importation; in other words, on articles that had been destroyed before entering into the consumption of the country. This is substantially one of the principles adopted by the Committee of Ways and Means, in the report of the case now before us. This is founded on the supposition that the destruction of the article thus remitted upon will give place to a new importation into the country of a corresponding amount, upon which the Government will receive its quota of duties anew, and thus be indemnified for the remission. This is an equitable and an honest supposition. Surely it can never be the policy of the Government to speculate upon the misfortunes of its merchants or citizens. Sir, this principle alone is broad enough to cover the case, and to authorize the remission now proposed by the bill before the House.

But, sir, I go to the precedents of Congress. The first case I will cite is the first case definitively acted on by Congress—the case of Thomas Jenkins & Co., contained in ch. 47, art. 2, Laws of the United States, p. 110. The act provides:

"That the duties, amounting to $167 50, be remitted on a parcel of hemp, duck, ticklenburg, and molasses, the property of Thomas Jenkins & Co., merchants of the city of Hudson, in the State of New York, which were lost by fire in the brig Minerva, on her passage from New York to the city of Hudson, her port of delivery; and the Secretary of the Treasury of the United States is hereby authorized and directed to allow a credit on the bond or bonds executed by the said Thomas Jenkins & Co. for payment of the duties on the said goods. Approved June 14, 1790."

It is observable, Mr. Speaker, that this case embraces a principle of much broader extent than is recognised in either the circumstances of the case, or in the report of the case, now before the House. The property released from duty in Jenkins's case had made its port of entry, and was proceeding to its port of delivery, when the loss occurred; and the loss occurred from an exposure of the property, by the owners, to new risks, and to a risk that the property might and would have been protected against by ordinary care and vigilance on the part of the owners. It was an insurable risk—one that could have been foreseen, and calculated upon, and insured against. In the Dana case, before the committee, the loss arose from entirely different causes—from a flood of unexampled severity; from a cause which could not have been reasonably anticipated, nor calculated upon, nor insured against; from a risk which human foresight and experience could not have regarded as possible, and from a risk not ordinarily insurable. The evidence in the case is, that, "A little after midnight, a violent gale of wind commenced, which continued to blow until high water at noon next day, driving into the harbor an immense sea, and raising the tides higher than had been known for many years, covering the wharves and overflowing the lower stories of many buildings. By this tide, the store in which the salt was stored was moved from its foundation, and the whole of the salt washed away. The salt was landed under the inspection of the officers of the customs, who were witnesses to the loss, and certify to the facts."

The next case on record is a case exactly in point, so exactly that all the circumstances of the loss are identically the same with the one now before us. The article destroyed was salt; it was destroyed by flood, after being landed; it was destroyed by a flood of uncommon magnitude, and destroyed, too, on the night of the day when it was landed. The case of Dana & Co. is the same case throughout. It is wonderful how two occurrences of such exact similitude should take place. The

report of the committee in this former case was made to the House of Representatives, July 24, 1790. It was duly considered by the House, and a bill moved accordingly. The report was as follows:

"Report on the petition of John Stewart and John Davidson, referred on the 5th instant:

"It appears, in proof, that the said Stewart and Davidson, in the month of April last, imported at the port of Annapolis eighteen hundred bushels of salt, which was taken account of by the collector at the port aforesaid; and that, the night after the same was landed, an uncommon storm and flood raised the water at the port aforesaid, so that the cellar in which the salt was stored, though usually dry, was flowed with water to the depth of two feet, and thereby destroyed thirteen hundred and twenty-five bushels of the salt. The petitioners pray a remission of the duties on the last-mentioned quantity of salt.

"The committee are of opinion that the prayer of the petition be granted, and that a law pass for that purpose."

This record is to be found on page 69 of the manuscript reports of committees of the House of Representatives. A bill for the remission of the duties was accordingly passed by the House, and concurrently passed by the Senate, (which may be found in volume 2, Laws of the United States, page 174, chapter 64, approved August 4, 1790,) and is as follows:

"That so much of the duties accruing on eighteen hundred bushels of salt, imported, in the ship Mercury, into the port of Annapolis, in the State of Maryland, some time in the month of April last, on account of Messrs. John Stewart and John Davidson, as relates to thirteen hundred and twenty-five bushels thereof which were casually destroyed by flood, on the night of the same day on which the said salt was landed and stored, shall be, and the same is hereby, remitted."

Sir, the honorable gentleman from Tennessee [Mr. Johnson] says there is no precedent for a case like the one now before the House; but he has said this only because he could not have known of the existence of this case of Davidson. He knew not this, probably, from want of that critical examination which I have already said it is impossible for every gentleman of this House to give to every case that is presented to the House. But, says the gentleman, if there be precedent, it is only of a casual case, that passed without the observation of lawyers and a full knowledge of the facts. Sir, I admit that some precedents do find a place upon our statute books from oversight, and precedents that are wrong in principle, and that deserve not to weigh as authority. But, sir, the honorable gentleman will observe that this one now cited cannot have been and cannot now be considered as of this accidental and unworthy character; for the law itself imbodies the fact that it is a remission of duties on salt "casually destroyed by flood on the night of the same day on which the said salt was landed and stored"—precisely the case now before the House.

Sir, what was just in 1790 is just at this day, if founded in principle.* The case of Davidson was allowed, not upon mere policy or expediency, in 1790, but upon principle; upon principle founded in equity as well as sound policy. It was allowed upon the same principle now recognised by the Committee of Ways and Means in the report of the case now before the House.

Congress conceded that the article destroyed was in its original state; that it had not gone into the market, nor entered into the consumption of the country; that its destruction would probably give place to a new importation of a corresponding amount, upon which the Government would get its duty; that it was destroyed without any lack of ordinary prudence and vigilance on the part of the importer; that the destruction could not have been covered by an ordinary insurance, and that all the facts were so proved as to negative the possibility of fraud in the case. Such is precisely the case now before the House; and upon what principle, I ask, can the one case be allowed, and the other disallowed?

The next kindred case of remission that is on record is the case of two French citizens, which reads as follows:

"An act for the remission of the duties on eleven hogsheads of coffee, which have been destroyed by fire.

"Whereas eleven hogsheads of coffee were imported in the brig Jason, from Cape François, by two French citizens, to the port of Norfolk and Portsmouth, in November last, and the duties thereon secured to be paid by Messieurs Elliot and Purviance, of the same port: And whereas the said eleven hogsheads of coffee were afterwards, on account of the same importers, shipped to the port of Baltimore, and there, in the night of the seventh day of January last, destroyed by fire:

"*Be it therefore enacted, &c.*, That the duties paid or payable to the United States, on the same eleven hogsheads of coffee, be, and the same are hereby, remitted; and it shall be the duty of the collector of the port of Norfolk and Portsmouth to refund the same duties, if they have been received. Approved May 9th, 1794."

This act is found in the United States Laws, vol. 2, page 404. This case again covers a principle of much broader extent than the case of Dana & Co., and exhibits, comparatively, no merit, when contrasted with the latter. The claimants were foreigners; the goods had been imported to one market, and thence to a second market, and were, after this, destroyed by fire, by an exposure of the property to a new and ordinary risk, against which an insurance might have been effected, and against which ordinary prudence would have effected an insurance. Nevertheless, as they were destroyed

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*On April 20, 1792, Alexander Hamilton, then Secretary of the Treasury, reported to the House on the petition of Eliphalet Ladd, which had been referred to his consideration by the House, in favor of remitting entirely the duties on goods which have been shipwrecked, and which escape either with or without damage, or to vest the power somewhere either to remit or abate, according to the circumstances of the case. He added: "From the rareness of the casualty, this loss to the revenue, from either arrangement, could not be very material." See State Papers, volume 1, on Finance, page 162.

In the case of Paul Chase, praying a remission of duties on goods imported into St. Mary's, Georgia, during the last war, and subsequently captured by the enemy, the committee said: "The object of the Government in laying duties on foreign merchandise imported into the United States is to raise a revenue, for the support of Government, on foreign merchandise actually consumed within the United States." See House Reports, No. 27, Session 1824–'5.

So in the case of J. F. Ohl, where seventy-five boxes of sugar were imported into Philadelphia in November, 1826, and destroyed by fire on the 7th of December, 1827, (three months thereafter,) the committee say: "The committee consider the precedents in which relief has been given to be confined to cases where the goods have been burnt or destroyed in the form in which they were originally imported; and believing, as they do, that the spirit of the revenue laws requires the collection of duties only upon those goods which are consumed in the country, and that every loss of this kind must necessarily call for an additional and equivalent importation, upon which duties will be paid, have reported a bill," &c. See Report 170, vol. 3, 1827–'8.

before entering into the consumption of the country, the duties were refunded.

And here again I beg the attention of the honorable gentleman from Tennessee, and of the House generally, to the fact that this case of the French citizens is not one where the facts could have escaped the notice of Congress, while the law in its favor was on its passage. It is not a precedent that was established through the negligence of Congress. So well did Congress understand what the measure and the case was, and so careful were they in the recognition of the principle it involved, that the facts of the case were especially set forth in the preamble of the bill, as I have read it from the statute book.

Congress herein recognised the principle, that inasmuch as the property destroyed had not actually entered into the consumption of the country, and had not gone into the market, but was held "on account of the same importers"—in other words, had never changed hands and owners—it was but just, and honest, and politic, to refund the duties paid upon it, though it had been several months in the country.

Sir, I do not press the principle in this broad extent now. I do not say I would recognise it to such an extent now. I cite the case only to show how much broader is the principle upon which Congress has heretofore acted in the remission of duties, than in the one now involved by the case before us. Surely, sir, if the case of the French citizens be admissible in half its extent, the case of Messrs. Dana & Co., now before us, is beyond question.

The case of Jabez Rogers is another case founded on the same policy of the Government. It is entitled "An act for the remission of the duties on certain distilled spirits destroyed by fire." It was approved June 7, 1794, and reads as follows—(see United States Laws, vol. 2, page 485:)

"Whereas Jabez Rogers, junior, who had erected large works at Middlebury, in the State of Vermont, for distilling spirits from the produce of the country, has had the same twice destroyed by fire, with a quantity of spirits therein, on which by law duties had become payable to the United States:

"And whereas, considering the equity of the case, said duties ought to be remitted; therefore,

"*Be it enacted, &c.*, That the duties payable to the United States on all such distilled spirits as shall be proved, to the satisfaction of the supervisor of the district of Vermont, to have been destroyed by fire in the distilleries lately burnt at Middlebury, in the State of Vermont, be and are hereby remitted."

Here, again, the principle adopted is altogether more broad and liberal than is asked or contemplated in the case of Dana & Co., now before the House. It not only adopts the principle of refunding the duties that had accrued to the Government, because the dutiable article was destroyed before entering into the ordinary consumption of the country, but, also, in a case where the loss incurred was from a risk against which ordinary prudence would have protected the owner; where an insurance of the property, against the very loss incurred, was possible. The case before the committee imbodies all the merit of the first principle, without being exposed to the derogation of the last-mentioned circumstance.

The principle of refunding duties imposed by Government, in cases where the purpose of both the Government in imposing such duties, and of the individual in paying them, has been defeated by inevitable and unforeseen accident, which is precisely the principle of the case of the Danas, was fully recognised and adopted by Government in the act of June 1, 1796, entitled "An act providing relief to the owners of stills within the United States, for a limited time, in certain cases." That act provided (see 2d vol. United States Laws, p. 571) that where a distiller had been "really and truly prevented from employing or working his still or stills, during any part of the term for which he had rendered it liable to pay a duty upon its or their capacity, by the destruction or failure of fruit and grain, or any other unavoidable cause, within the district in which he resides," &c., he might pay upon its capacity a *pro rata* duty for the time his still or stills were actually employed.

The same principle was adopted by the act of March 3, 1797, relating to duties laid upon mills employed in the manufacture of snuff. The second section of that act provides as follows, (see 2d vol. United States Laws, p. 590:) "That in all cases of licenses granted under the said act, where, by failure of water or other casualty, occurring to the mill or mills, or to the implements, or to the proprietor or other person licensed, the use and benefit of such license has been lost, or considerably interrupted, and the duties thereon required, or paid, may be considered peculiarly unequal and injurious, the Secretary of the Treasury, upon due representation and proof of such case, shall be, and hereby is, authorized to cause to be refunded or remitted such part of duties paid or secured on such license as shall appear just and reasonable under the circumstances of the case, and having regard to the loss, injury, or peculiar hardship, sustained as aforesaid."

I may cite the case of the Providence merchants, found in vol. 3, p. 433, of the Laws of the United States. The collector of the district of Providence, in the State of Rhode Island, was authorized and directed, by the law of their case, to remit the duties on such parts of two certain cargoes of teas as were imported on the 29th of July, 1800, by Thomas Lloyd & Co., and on the 22d of August, 1800, by John J. Clark, "as remained deposited to secure the payment of duties, under the care of the officers of the customs, on the 21st day of January last, in the aforesaid town of Providence, and shall be proved, to the satisfaction of the said collector, to have been burned and destroyed."

This was approved March 3, 1801.

The committee who reported this last case for relief say:

"Your committee are of opinion that, as the goods were under the care of the officers of the customs at the time they were consumed by fire, and not subject to the control of the owners; and that, as granting relief in this case cannot establish a precedent dangerous to the revenue, the prayer of the petition ought to be granted." American State Papers, vol. 1, on Finance, p. 698.

Here the principle of not exacting duties on goods destroyed before entering into the ordinary consumption of the country is distinctly and undeniably recognised, and is the great leading principle of the case. Here, also, the principle of remission is extended far beyond the nature of the case presented by the Messrs. Danas & Co., because it is made to cover a loss arising from a risk against which an ordinary insurance and ordinary vigilance would have protected the owners. The fact that the property was still in possession of the Government does not alter the case, only so far as it may presume to shut out the possibility of fraud on the part of the importers, because this fact did not take the case out of the principle of ordinary insurances, nor release the owners from exercising ordinary vigilance to secure themselves against loss from such a risk.

Mr. Speaker, I might go on and cite, in detail, each of the several cases that have come before Congress for remission, but for consuming too much of the time of the House. Suffice it to say that, after careful and vigilant search, I find no case conflicting with the principle of the case now presented, and when the fact that the property destroyed was so situated as not to be insured-

ble was taken into consideration. Cases may be found where there was a want of proof of vigilance and ordinary care, or where the property was insurable in the ordinary way, or where it has been exposed to new risks, against which the Government could not properly be made a partner with the importers or owners. Such cases have been, and very properly, too, rejected. The last case of this kind, I believe, which was acted on by Congress, was that of George and William Bangs, in January, 1830. It was a case of goods destroyed by fire. But, sir, on turning to the proceedings of the House upon this case, I find it to have been one clearly excluded by the principles of the report of the Committee of Ways and Means in the case before us. The case of Bangs* was one of neglect and want of ordinary care. The gentleman who is now the oldest Representative of Rhode Island upon this floor [Mr. PEARCE] was among the number who opposed the bill, and he opposed it on the ground that the argument urged in its support "would establish a bad precedent"—"would lead to the conclusion that Government would guaranty all goods imported, which, through neglect, might be destroyed in the store, or which might be exported by coastwise navigation from the North to the South." He denied that there was any analogy between this case and that of the goods destroyed by fire at Savannah, and upon which the duties were remitted.

The honorable chairman of the Committee of Ways and Means of the present House was also among the number who opposed the bill in favor of the Bangs. He did it expressly on the ground that "the effect of the passage of the bill would be to encourage the importing merchants to neglect their business. He attributed the fact of this claim being made to the remissness of the importer, who ought, as every merchant who knows his business does, to have insured his property. This was a case, he contended, of gross and palpable negligence; and if the House should adopt the principle of the bill, we would have our tables crowded with memorials whenever a fire takes place in the United States. The merchants in the interior of the country had as good right to claim a remission of duties on goods destroyed by fire as the importers."

Sir, I accord most fully with these views, and the principles upon which they are founded. But, sir, a broad, marked, and manifest principle distinguishes the case now before the House from the Bangs case, as thus represented. In a case not only deficient in proof of ordinary vigilance on the part of the importer, but thus marked by proof of "gross and palpable negligence," I should feel it my duty, as every other member of this body would feel it to be his duty, to reject the claim. Sir, the argument of such a case does not touch or affect the merits of the present one.

Thus much, Mr. Speaker, have I felt it my duty to say in relation to precedents. I will venture to affirm, that while numerous precedents of remission can be adduced, covering all of the principles of the present case, and stretching even far beyond it, not one case will be found rejected, wherein the facts set forth are not distinguishable in point of strength and merit from this case, and therefore not deserving of weight as authority against it, even with those gentlemen who wish to be governed by precedent.

But, sir, I appeal now to those naked principles of justice and policy, which this House and Congress ought and may safely adopt, as decisive of all cases. I ask not to have this Dana case regarded as an exception to all general principles of legislation, but as coming fairly and rightfully within those general principles which ought to be recognised in all legislation towards the mercantile community. These are the principles laid down in this report of the Committee of Ways and Means. And let it be established that, in those cases, and in those cases only, will Congress remit duties on goods destroyed, where—

1st. The goods were, when destroyed, in their original state as imported, and had not entered into the mass of commodities destined for the immediate consumption of the country.

2d. Where the circumstances of the loss are such as not only to excite no suspicion of fraud, but as expressly and directly to exclude the possibility of it.

3d. Where the loss could not have been covered by ordinary insurance, or guarded against by the caution and diligence of a vigilant and prudent man of business; and where the evidence to all these points is full, direct, unquestionable, and of the highest nature the case will permit.

Sir, I ask the allowance of this Dana case only upon those principles, as a case justified in every requirement of those principles beyond any controversy or question. I can conceive of no danger or possible injustice to the Treasury of the Government by adopting these fundamental rules of remission. I can conceive of no sound argument that can be adduced on the opposite side, that will not do injustice to the commercial interests of the country. Surely Government cannot desire to pursue a policy that shall work injustice to the vigilant importing merchant, nor to speculate upon his inevitable misfortunes. If the merchant, under any case that can be conceived of as coming within the principles I have adverted to as the just ones to control this case, can stand up against the loss incurred, without any fault on his part, of the original cost and expenses of importation of the goods so destroyed; surely the Government may well abstain from exacting of him the payment of duties upon the property; and surely, moreover, the Government that is unwilling to relax its demands upon the unfortunate merchants in a case of such extreme hardship must be regarded as slow indeed in the encouragement of honest enterprise. I trust such is not the character of our Government. Be that as it may, I have discharged my duty towards the claimants in this, and every similar case.

After further debate, and before any question was taken upon the bill,

The House adjourned.

MONDAY, JANUARY 16.

ABOLITION OF SLAVERY.

The unfinished business of the morning hour was the petition presented on Monday last by Mr. ADAMS, from forty inhabitants of the town of Dover, in the county of Norfolk, in the State of Massachusetts, praying for the abolition of slavery and the slave trade in the District of Columbia; the pending question being on the motion of Mr. LAWLER that the petition be not received.

Mr. BYNUM was entitled to the floor.

Mr. HOWARD requested the gentleman from North Carolina [Mr. BYNUM] to yield the floor, with a view to enable him (Mr. H.) to make another effort to give the States a chance of getting in their petitions. There were more than half the States in the Union that could not have the opportunity. He proposed to suspend the rule, to enable him to offer a resolution that the States be called for petitions in reverse order.

Mr. BYNUM said he would have great pleasure in yielding the floor for that purpose, if it should be understood that he would be entitled to the floor when this petition should next come up. He thought the House

* See Gales & Seaton's Register of Debates, vol. 6, part 1, p. 622.

should suspend the rule, to enable the member from Maryland to submit his resolution.

Mr. ADAMS said he hoped the rule would not be suspended. He begged the House and the Speaker to recollect that this state of things—

Mr. W. B. SHEPARD rose to a question of order. A motion to suspend the rule he understood not to be debateable, and he hoped the Chair would enforce the rule.

The SPEAKER said the motion could not be debated.

Mr. ADAMS called for the yeas and nays on the motion to suspend the rule; which were ordered, and were: Yeas 123, nays 58.

So the rule was suspended.

Mr. HOWARD then offered the following resolution:

Resolved, That in calling the States for petitions on this day, the Speaker do call in the reverse order, beginning with the youngest Territory.

Mr. ADAMS called for the yeas and nays on the adoption of the resolution; which the House refused to order.

And the question was then taken, and decided in the affirmative: Yeas 125, nays 33.

So the resolution was adopted.

Petitions and memorials were then called for in the reverse order of States and Territories.

Mr. E. WHITTLESEY said, it having been the sense of the House that petitions relating to the abolition of slavery should not be discussed to-day, he begged to state that he had several such in his possession, but that he refrained from offering them, under the hope that, when he did offer them, he might be heard for a few moments in relation to the direction which he thought should be given to them by the House.

MEMORIAL FROM DISTRICT OF COLUMBIA.

The SPEAKER presented a memorial from the grand jurors of the county of Washington, in the District of Columbia, soliciting that hereafter no petitions may be received or entertained by Congress, from societies or inhabitants of the non-slaveholding States, for the abolition of slavery in the District of Columbia.

Mr. PINCKNEY moved to lay the momorial on the table.

Mr. WASHINGTON called for the reading; and it was read accordingly.

Mr. GRAHAM called for the yeas and nays on the motion of Mr. PINCKNEY; but the House refused to order them.

And the question was then taken, and decided in the affirmative.

So the memorial was ordered to lie on the table.

Mr. JENIFER moved that the same be printed.

The SPEAKER said the motion was not now in order.

Mr. HIESTER presented the petition of 240 females of his congressional district, praying for the abolition of slavery in the District of Columbia, and moved that the same be referred to the Committee on the said District.

Mr. W. B. SHEPARD objected to its reception. Mr. S. said that, whenever a proper opportunity presented itself, it was his intention to offer a few remarks on this subject. He did not feel disposed now to violate the agreement which had been made with his colleague, [Mr. BYNUM,] that this discussion should lie over; and he moved, therefore, that the further consideration of the petition be postponed until Monday next.

Mr. DAVIS moved to lay the preliminary motion of reception on the table.

Mr. STORER inquired if the effect of the motion to lay on the table, should it prevail, would not be to reject the petition for the time being.

The SPEAKER said the effect of the motion would be to suspend all action, and to leave the petition exactly where it was.

And the question was taken, and decided in the affirmative: Yeas 89, nays 37.

So the preliminary question was laid on the table.

PROTECTION TO COMMERCE.

Mr. LAWRENCE presented the memorial of George Hallett, and four hundred merchants of the city of Boston, praying Congress to establish steam and other vessels for the protection of the navigation of ships of the United States coming on our coast in the winter.

Mr. L. adverted briefly to the fearful loss of life and property which had taken place on our coast during the last year, to an extent unprecedented in our history.

This loss was to be attributed in part to the want of a good system of pilotage, but mainly to the fact that vessels coming, after very long voyages, on a bleak and wintry coast, and short of provisions, required some protection and assistance which their own crews were not able to render. He moved that the petition be referred to the Committee on Commerce, and expressed a hope that some action would be speedily had upon the subject.

The petition was referred accordingly.

During the day, a number of petitions, praying for the abolition of slavery in the District of Columbia, were presented; which were, in every instance, met by the motion to lay the preliminary motion of reception on the table, and which motion prevailed.

After the reception and disposal of several resolutions of inquiry,

The House adjourned.

TUESDAY, JANUARY 17.

KEEPING THE JOURNALS.

Mr. UNDERWOOD asked the consent of the House to submit a resolution, which he desired might be read for the information of the House.

Mr. JARVIS objected to the reception of the resolution and to its reading.

Mr. UNDERWOOD said, if the Clerk would return the resolution, he (Mr. U.) would state briefly its substance to the House.

Mr. ADAMS said, if the gentleman from Kentucky was permitted to read the resolution, he (Mr. A.) hoped no more objection would be made to members reading papers in their places.

The SPEAKER said the question could not be debated.

Mr. UNDERWOOD inquired if it was in order to make a brief statement of the contents of the resolution.

The SPEAKER said it was in order so to do, but it was not in order to read the resolution itself.

Mr. UNDERWOOD said his object was to submit a series of resolutions, declaring the sense of this House that it was not competent, under the constitution of the United States, to change, alter, expunge, mutilate, or destroy, the journals of either House of Congress; that the preservation of the journals of either House of Congress was a subject of national importance, and a fit subject of national legislation; that, after these journals had been faithfully kept and preserved--

Mr. CUSHMAN called the gentleman from Kentucky to order.

Mr. UNDERWOOD declared that he had not yet completed the brief statement of the contents of the resolution, though he had nearly done so.

The CHAIR said he must request the gentleman from Kentucky to submit his motion to the House.

Mr. UNDERWOOD said his motion was to suspend the rule to enable him to offer this resolution. Could he not read what was the purport of that resolution?

The CHAIR said he thought not, the reading of the resolution having been specially objected to. A member could not himself read what the Clerk was not permitted to read.

After a few further remarks on the point of order, Mr. JARVIS, with a view to save the time of the House, withdrew his objection to the reading of the resolution.

The same was accordingly read, and is as follows:

Resolved by the House of Representatives, That the 3d clause of the 5th section of the 1st article of the constitution, in the following words, to wit: "Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal," confers no power whatever on either House of Congress, at a subsequent session, to change, alter, deface, expunge, or destroy, its journal, or any part thereof, when the same has been regularly and faithfully kept during a previous session, and duly published.

Resolved, further,-That the journals of both Houses of Congress, kept and published as aforesaid, after the adjournment *sine die*, become national archives; and that all attempts and acts of either House separately, or of both by joint resolution, to change, alter, deface, expunge, or destroy, either journal, or any part thereof, are violations of the constitution.

Resolved, That the preservation of the national archives from mutilation, disfiguration, and destruction, is a fit subject of legislation. Wherefore,

Resolved, That the Committee on the Judiciary be directed to report a bill providing for the deposite of the original journals of each House, after their adjournment *sine die*, in the office of the Secretary of State; and for the punishment of every and all persons, their aiders and abettors, who shall alter, change, deface, expunge, or destroy, any part of either journal after such adjournment.

Mr. MORGAN called for the yeas and nays on the motion to suspend; which were ordered, and were: Yeas 77, nays 118.

So the rule was not suspended.

THE PUBLIC LANDS.

The unfinished business of the morning hour was the resolution of Mr. C. ALLAN, providing that certain grants of the public domain be made to such States as have not yet received them, together with the several amendments thereto proposed.

The pending question was on the motion heretofore submitted by Mr. BOYD, to lay the resolution and amendments on the table.

On which motion the yeas and nays had been heretofore ordered; and having been now taken, were: Yeas 114, nays 82.

So the resolution and amendments were laid on the table.

EXECUTIVE ADMINISTRATION.

The House proceeded to the consideration of the following resolution, heretofore offered by Mr. WISE:

"*Resolved*, That so much of the President's message as relates to the 'condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper."

To which resolution Mr. D. J. PEARCE had offered an amendment, for which Mr. FRENCH had offered a substitute.

Mr. McKEON said the reading of the resolution must bring to the attention of the House the fact that a large portion of its time had been expended upon the discussion of the various topics which had been introduced into the debate. He was deeply impressed with the necessity of confining any remarks he might offer within a narrow compass. He assured the House that nothing would have induced him to prolong a debate already too much extended, except that justice to those with whom he acted, and to himself, required him to notice some of the observations made in the course of the debate.

When the resolution of the gentleman from Virginia [Mr. WISE] was introduced, I viewed it (said Mr. McK.) as a measure novel in its character, and one calculated to establish a precedent which might hereafter be perverted. In the phraseology of the resolution I saw a power of unlimited extent intrusted to a committee of this House. I am not of that school which insists upon a search warrant to authorize you to examine your public offices, but I cannot but believe that, if you intend to examine any matter beyond the manner in which your public agents discharge the duties of their appointment, you will require something more than a resolution of this House. What does the original resolution propose? To examine into the official and unofficial conduct of those who are directly or indirectly connected with the public departments. This is the task which is to be allotted to a committee of this House. This is the inquisitorial tribunal you propose to create. If we appoint the committee, how can it proceed in the discharge of its duty? The power of this House can go no further than to examine into the official conduct of those who are in office, who receive their compensation at your hands, and who are liable to censure and removal for any breach of duty. In every point connected with your public offices, in every matter of an official character, you have the right and the power to exact a rigid, strict examination; but when you will attempt to inquire into the unofficial conduct of a public officer, or to make the widespread investigation proposed by the resolution, the success of your investigation will depend more upon the disposition of those who may be called before the committee than on any power of this House to compel them to satisfy your inquiries. You will search in vain for a precedent for this movement in parliamentary history; but you may find one elsewhere. There can be found one direction to which it bears a strict resemblance. The command of this House to the committee may be found in that of Dogberry to the watch, a sweeping resolution to "comprehend all vagrom men," and to let all go who will not stand according to order. Let it be considered that we have several standing committees, whose duty it is to investigate the affairs of your departments. Let it

be considered, also, that, but a few days since, we appointed a committee, at the head of which is the gentleman from Virginia, [Mr. GARLAND,] which committee is daily engaged in the examination of one of the subjects referred to in this resolution. Yes, sir, the very point which, I believe, according to the mover of this proposition, gave rise to this proposed investigation. But in addition to these means which are within our power, the amendment of the gentleman from Rhode Island is offered. That amendment is, in my opinion, not open to the objections which may be made to the original proposition. It is in accordance with parliamentry practice. It is no part of the duty of a Legislature to undertake an exploring expedition in search of abuses; but if abuses are charged, it becomes a solemn duty to investigate them. The amendment proposes to create a tribunal before which charges can be made, and to examine into the truth of those charges. Suppose a petition was presented to this House, and referred to one of the appropriate committees, praying an examination into the manner in which your public officers discharge their duties, and setting forth that abuses existed. Your committee would ask the petitioners for specific charges, and if they were produced the examination would be made. I doubt very much whether they would inquire of your different departments and bureaus for something to sustain the allegation of the petitioners.

But, sir, it appears that your standing committees, your select committee, the amendment, will not be satisfactory. Nothing will give sufficient latitude but the original resolution. I prefer sustaining the amendment, believing it cannot be perverted hereafter into a dangerous precedent; but if that cannot be adopted, I shall not be found denying investigation. I am willing to give every facility, and to afford ample means, to pursue the desired examination; to have the official transactions and correspondence of your public offices laid open. As the representatives of the people, we are bound to guard every department. We are bound to pour light into every portion of this Government. It is due not only to the country, but to the incumbents, to those on this floor who wish the examination, that some decision should be had on this subject, and that without delay. The debate which has arisen upon this resolution has resuscitated the denunciations and charges which we had reason to believe were long since buried. I have been surprised to observe the course of the present discussion. The same accusations of corruption, of proscription, and of abuses of every nature, which were made at the last session, with a view of operating on the then approaching political contest, are reiterated upon the present occasion. We ought to suspect that our fate has been that of Rip Van Winkle; that we have been sleeping quietly while the thunders of the opposition, louder far than any which reverberated through the Catskill, have been pealing over us, and we have been unconscious of the presidential contest which has just closed. If there is to be a repetition of those charges, it is full time we should be aroused. I have sought for new statements, but none are offered. Let it be remembered that the same representations which are made now were made before the struggle commenced; that the same evidence, sustained by the aid of the same distinguished gentlemen, was laid before the people of this country, and that the people supported him against whom these charges were intended to operate. Why do gentlemen stop even now? Why do they halt? Why not cross the Rubicon? There is still remedy left. If outrages upon the constitution, if violations of the liberties of the people, have been committed, why, instead of making the accusation, is not the individual who is the author of these evils made liable to the consequences of impeachment? If he has violated the rights of any of your citizens, any of the rights of any branch of the Government, why is he not placed in a situation where he will be required to defend his public character from these accusations? If we have watchful sentinels on the ramparts of constitutional liberty, let them not only sound the alarm, but let them seize upon him whom they represent to be an enemy of the country. That country has a right to demand this movement at the hands of those who are so desirous of preserving its interests from violation. Nothing is easier than to denounce. We ask for the evidences to support the charges they make—we ask for action. The Executive has been represented as a violator of his plighted faith, as one who had broken every pledge. Let us look to his inaugural address, which ought to be considered as an exposition of the policy which would characterize his administration. In regard to your foreign policy, he had stated that he would endeavor to preserve peace and cultivate friendship with all nations on honorable terms, and to adjust our differences in the forbearing spirit becoming a powerful nation, rather than the sensibility belonging to a gallant people. Has this been fulfilled? Do you find the violation of this pledge in the elevated position which our country sustains amongst the nations of the earth? He pledged himself to a spirit of compromise, equity, and caution, in regard to your tariff, by the promotion of agriculture, commerce, and manufactures; and if any encouragement should be given, it was only to those articles which might be found essential to our national independence. Let his messages to Congress show how far he has labored to discharge this pledge. He avowed his determination to reform abuses, by depending for the promotion of the public service not on the number, but on the efficiency, the integrity, the zeal, of public officers. Let the consequences of the toils of those agents, visible in the negotiation of foreign treaties, and in the happy results of the faithful discharge of duties within our country, be his defence on this point. He promised to facilitate the extinguishment of the public debt. Has that been discharged? Does not the contest here for the division of an immense surplus in your Treasury speak for him on this subject? Has not, during this administration, the novel spectacle been presented to the world of an immense republic, unshackled with a national debt? When the violence of political feeling shall have subsided, but one opinion, sir, will be given of the present administration; and if, as some gentlemen insist, the coming administration will be but a continuation of the policy of the present, the country may be congratulated on the prospect of a career of brilliancy and prosperity. It will be a continuation of a policy which seeks to enlarge the liberties of every citizen, and to promote the welfare of the Union.

The corruption which exists in the Government is a fruitful theme. The dictation of the Executive, and his interference with the elective franchise, have been blazoned forth to the world. Sir, if we have had a dictator, he bears but little resemblance to the Sylla of other days. The Roman retired when the aristocracy had been armed with the sceptre, but our dictator is about to surrender his trust when the democracy is triumphant. Do gentlemen suppose that the intelligence of this country is to be deceived with this outcry? May we ask when and where this dictation took place? Who were the individuals who yielded, or the States that submitted to his commands? We hear of Tennessee! That State did not vote for the individual who is said to have obtained his election by the dictation of the Executive. If the dictation of the President was of any avail, it must have been united not only with omnipotence but omnipresence. Its results are seen in Maine, and at the same time in Louisiana—in the Atlantic States and in your far West. This charge (let gentlemen consider) of dictation and of corruption, reaches not only the Executive,

but at those above that Executive. The poisoned arrows which are scattered strike not only those against whom they are aimed, but at the body of the American people. If there are corrupters, where are the corrupted? Are we to seek for them amongst the honest yeomanry of the land? Is this degrading character to be given to our countrymen? I trust we are not ready to look upon a majority of our fellow-citizens as obedient slaves, obeying the edicts of an imperial master. The sin of the Executive has been that he moved in unison with the people, and for this he is denounced. This is his crime, in the eyes of his opponents. I cannot believe that his course will at any time be deemed unpatriotic, or prejudicial to the institutions of our common country.

The gentleman from Virginia [Mr. Robertson] objected most strenuously to the proscription which had been carried out during the present administration. The opposition is distinguished, if we are to believe what we hear, by magnanimity, by generosity, by respect for freedom of opinion. Cases have been adduced to show the oppression heaped upon some of our fellow-citizens. I could not but observe the indignation excited amongst some of the opponents of the administration at the recital of instances of removals from office. I cannot speak of the merits of these cases; I am ignorant of them. I cannot, however, but look upon the denunciations which have been made against removals from office as an evidence of a policy which has not heretofore distinguished our opponents. I suppose that hereafter, in no part of the country where they hold the power, no man is to be removed who entertains opinions in accordance with those of the democracy. The guillotine which I have seen ready to do its office in one city of this Union is to be removed—the victims are to be released. I have, I confess candidly, Mr. Speaker, some misgivings. Judging from the past, I can have but little hope for the future. "To know the right, and yet the wrong pursue," seems to be the fate of our opponents.

Look at the city of New York, where the opposition, during the celebrated panic session, obtained power. The process of removal was fully carried out. The lamps in our streets were not allowed to be lighted by those who were democrats. Look to Philadelphia; one sweeping proscription, if rumor speaks truly. Look to Pennsylvania, when the Government of the State was changed. The offices given to those who had placed the present incumbents in power, and those who thought with the general administration proscribed, and their families, depending for subsistence on the emoluments of their humble offices, turned adrift upon the world. Sir, this proscription which they denounce they practice. Let not the charge be made against us until, by their example, they can enforce their advice with more authority than they can at present. Let not their indignation be excited against the administration, or their sympathy expressed in favor of its supposed victims, so long as they have on every side an opportunity of bestowing their sympathy on those who have suffered by the exercise of the power they hold. The administration cannot be justly liable to this accusation. Here and elsewhere it has been confidently asserted, by those who have examined this subject, that a large majority of those holding offices are opposed to the administration; and the sweeping proscription and persecution for expression of opinion cannot with propriety be charged against it.

We have heard much of the war on the currency which has been waged by the present administration. The disturbance of our financial operations, the chaos of our commercial affairs, have been placed to the account of the Executive. The party in power for the past seven years has been carrying on, if any, a war on the United States Bank; and if that be a war on the currency, they must plead guilty. It has been a contest in which we have seen the concentrated wealth of the nation in arms against the Government and the people; and we have seen that contest concluded with the triumph of the people over an institution which had threatened to poison the very fountains of your prosperity. We have carried on a war against a system which carries within the most alarming elements. You have seen institutions invested with a power of creating a "paper currency," starting into existence in every section. You have seen a power placed in the hands of a particular class of men to control the fortunes of their fellow-citizens. You have seen prices rising, values disturbed, an unsettled and feverish state of public feeling. You have seen the swollen tide of speculation rushing from one end of the country to the other, bearing upon it every individual. Purchases made, not with a view to the natural operations of trade, but regulated alone by the credits which might be obtained. You have seen the favorable gale, swelling every man's sails; but now the tempest is seen, driving before it thousands, whose fate it will be difficult to predict. You have seen in this country, and on the other side of the Atlantic, gathering signs in the commercial horizon; anxiety, intense anxiety, pervading every section of the country. When the cause of the excitement is examined, when it is asserted that the over-issues have been the main cause of the present state of things, when we are told to look back to the troubles in England in past years, and observe that the same state of things was produced by similar causes; yet when the effort is made by the Government to check this evil, by calling into circulation the constitutional currency of the country, with a view to give security to your financial operations, to give stability to the value of property, and to afford labor its just reward, it is denounced as tyrannical and oppressive. The question of currency, I am willing to admit, is intricate; but I do not believe it too intricate to be beyond the understanding of an acute and intelligent people—of a people whose pursuits render it necessary for them to watch every movement in the industry and finance of the country. They desire a sound currency, but not a currency which is given to them by holding their liberties at the will of any body of men.

I cannot omit a reference to the allusions which have been made to the President during this debate. The gentleman from Virginia [Mr. Wise] has traced his course from the period of his early obscurity to the present exalted station which he now holds. From its rise in humbleness, he has found the tenor of his life a broad and sweeping current, rolling onward under the living light of day and the steady gaze of the nation. Parallels are sought; but where? Are they sought for amongst the patriots whose reputations are interwoven with the brightest epochs of the past? Are they found in some brilliant example of devotion to country, of fidelity to her institutions, of purity of purpose, of undying patriotism; amongst the Aristides, the Curtii, or the Catos? No, sir; we find them seeking for parallels in the most corrupt and degraded periods of the Roman Government. They find them in a Commodus or a Severus; in the vile, the profligate, and depraved emperors of a crumbling empire. Who is your modern Commodus? Shall I summon from his many battle fields the manes of the dead to be his defenders? No, sir; let the living attest his worth! Let them answer whether or not it was by collecting around him the abandoned Cleanders of his time he led your country through many difficulties up to the eminence on which he now is leaving her! Even in the highest excitement of a political contest, we ought not to forget the services of our public men—of those who "have done the state some service." The petty differences of party will disappear, but the results of the labor of those men never will be destroyed. For

one, I will not desecrate the temple of our Union by any attempt to deface one particle of those brilliant names that may cast their splendor over it. Fidelity to our own principles never can be incompatible with justice and toleration for those of our opponents. I speak of this point not as a partisan, but as an American. I cannot be deterred, by the fear of being termed a flatterer, from doing justice to any man. I ask gentlemen how they can hope that the people will attend to their charges? We are told it is to inform the people of the dangers they have passed—of the conspiracies against their liberties that have been exploded. Why, sir, Cicero himself would not have been heeded when the conspirators were deprived of all power to injure. The people of this country will not, as the hour is approaching which is to separate them from him who has for years enjoyed their highest confidence, stand with ready ear to listen to denunciations. Not while one spark of gratitude remains will they refuse to shield him. They will be seen protecting him from the flames of political persecutions; they will be the first to rescue him—the patriot who has led their armies to victory and given permanency to their Union—from the ignominy of being placed in the same niche of immortal infamy with a Commodus or a Severus.

There is one aspect in which the present discussion will be viewed with interest by the country. It is the objections which have been raised against the coming administration. We are told that the people have no pledge of any line of policy; that the President elect is untrammelled by any promises. He can sustain a tariff or an anti-tariff policy; he may be for internal improvements by the General Government, or against them; he may be for a national bank, or against it; for distribution, or against distribution—that upon leading political questions he is in no manner committed. What, sir! no policy promised? If there is any point on which the President elect is not committed, the fault lies not with him. Not far from me is the member from Kentucky, [Mr. WILLIAMS,] who submitted questions of the highest importance to the country before the election. The reply to those queries is part of your political history. That reply formed the chief point of attack in your presidential contests. On most of the points which agitated the country, the people of this country have had an ample exposition of the views of the individual who has been elevated by their suffrages to the first office within their power. You have, in the document to which I refer, his opinions with regard to the Bank of the United States. You have his views on the great and absorbing subject of your public revenues, and the policy of distribution. When he speaks of this measure, it is but in accordance, so far as results are concerned, with the opinions of a distinguished statesman, whose course is sustained by a large portion of the opponents of the administration, and whose sentiments are given in a speech, delivered some years since, in the Senate of the United States. The Clerk of the House will read the passage in that speech to which I refer.

The clerk then read as follows:

Speaking of the public debt, he remarked: "It is so near being totally extinguished that we may now safely inquire whether, without prejudice to any established policy, we may not relieve the consumption of the country by the repeal or reduction of duties, and curtail, considerably, the public revenue. In making this inquiry, the first question which presents itself is, whether it is expedient to preserve the existing duties, in order to accumulate a surplus in the Treasury for the purpose of subsequent distribution among the several States. I think not. If the collection for the purpose of such a surplus is to be made from the pockets of one portion of the people, to be ultimately returned to the same pockets, the process would be attended with the certain loss arising from the charges of collection, and with the loss also of interest, while the money is performing the unnecessary circuit; and it would therefore be unwise. If it is to be collected from one portion of the people, and given to another, it would be unjust. If it is to be given to the States in their corporate capacity, to be used by them in their public expenditures, I know of no principle in the constitution which authorizes the Federal Government to become such a collector for the States, nor of any principle of safety or propriety which admits of the States becoming such recipients of gratuity from the General Government.

"The public revenue, then, should be regulated and adapted to the proper service of the General Government."

These views were presented by one of the Senators from Kentucky, [Mr. CLAY.] These views were sustained by the minority which were found on the deposite bill of the last session; and it could not be objected to by that minority, that from those with whom they differed in sentiment they could obtain support for the course which they pursued. It is the pledge that we shall have aid in relieving the people from burdens of a grievous character, and a pledge which we have a right to insist on being fulfilled.

But, sir, his opponents were not satisfied with the course which the President elect had pursued before the nation in a long life of political action; they were not satisfied with his open and avowed declarations, but in every section of the country he was represented to entertain different views, but always those which might be particularly unpopular. I will not attempt to follow the whole train, but I cannot forego the opportunity of referring to one of the means called into action against him. I allude to the fact of dragging his opinions on religious manners into the political contest. His opponents, aware of the prejudice existing against one creed in this country, eagerly seized upon it to operate with effect upon some portion of our citizens. We are told that the votes of States were given against him on this reason. The spirit of intolerance—that spirit which has at all times, and in all countries, left the evidences of its triumphs in the blasted happiness and withered prosperity of thousands, was brought into the contest. In vain was the avowal of my colleague [Mr. VANDERPOEL] in favor of the candidate, showing that he did not entertain certain opinions. It was insisted, that even if he did not entertain them, yet he had been guilty, at least, of an act which, in England, would have rendered him liable to the pains and penalties of a *præmunire*. But even in England, under an enlightened and liberal legislation, that badge of barbarity had been destroyed, and in this country never had existed. Punishment was due for the transgression, and the guilty must be reached through the ballot-box. Sir, no language can express the deep humiliation with which I refer to this topic; I feel that in a land of freedom—that land which gave to the cause of civil and religious liberty a Carroll, and contains the ashes of him whose pride was not alone to have been the author of the Declaration of Independence, but of the code to secure freedom of conscience—that there is a spirit which would drive a portion of our fellow citizens from the advantages of the Government, and place them as outcasts without the pale of your constitution. If this is to be the consequence of entertaining certain opinions, your constitution will be a mockery, your pledge of equality of rights is violated. Are they who have unloosed this whirlwind blind to the ravages it has elsewhere committed? Are they desirous of substituting the war of fanaticism for the peace and charity which exist at present through the country? Let them consider that the persecution which follows and crushes one sect to-day may turn upon another to-morrow. Let

them not hope to be able "to check the fiery steeds they have driven to the edge of the precipice," and to save themselves from dashing down into the abyss where myriads lie entombed the victims of a similar spirit! Is this the age in which such scenes are to be enacted? No, sir; extinguish the lights of civilization and intelligence, before you illumine the torch of fanaticism. Its lurid glare will be lost in the blaze of freedom. Bring back the days of the Vandal and the Goth. Let then the ministers of savage orgies shout with joy around the tombs of the dead they have violated, and with frantic exultation amid the blazing ruins of seminaries of learning; at such a time, let the demon of persecution be unchained, and rush from one end of the country to the other. But if we desire peace, if we seek for the exercise of feelings of charity, we must not violate the spirit of that constitution which secures protection to all. The persecution of the ballot-box is but the precursor of penal legislation. We must not permit the ballot-box to be converted into an engine of oppression upon any portion of our countrymen. Let it be remembered that amongst those who are denounced are those whose integrity and devotion to the country are not to be questioned; that they are your fellow-citizens, who ask for nothing more than their constitutional rights, and ought not, will not, submit to less. I cannot be mistaken in my countrymen, or our institutions, when I say that in the intelligence and the liberality which should ever distinguish Americans, there is a guarantee for liberty of conscience which can never be destroyed; and that American liberty consists in freedom of opinion, freedom of industry, freedom of conscience.

We have been told that the approaching administration will be brought into power by the vilest means; that it is the triumph of the New York system. I find that it is the fashion of the hour to refer to that State. Her immense resources, her natural and artificial advantages, are paraded to excite a jealousy against her interests and her sons. Is this the spirit in which this Union was framed, or can be maintained? Why, to secure a petty triumph of party, is this effort made to array section against section, State against State? In sorrow, not in anger, have I heard the charges made against that State. I have witnessed the efforts to injure her fair fame; but still I look upon my native State with pride. Not one particle of her reputation is yet tarnished. That State can look back upon the past with high satisfaction, and look forward to the future with the brightest anticipations. What, sir, has been her system? She has had "a giant's strength, but she has used it like a giant." She stands erect in the consciousness of her sacrifices to the independence, the liberty of the country, and to the Union of these States. She presents to you her Saratoga, as her evidence of her devotion to the cause of the Revolution. Every point of her whole frontier is the theatre of resistance to the invasion of a savage or a civilized foe. In peace, as in war, no sordid policy has characterized her course. I challenge gentlemen to point out in the votes of her Representatives here, or in the legislation of the State, any disposition to elevate that State at the sacrifice of the rights or interests of any section of this confederacy. Her history contains not a single line for which one of her sons need blush. Proud of her history, proud of her enterprise, for one, I would, in the language of one who has given glory, not only to that State, but to the whole confederacy, as soon forget the mother that gave me birth, as that State the trophies of whose system may be seen in the unrivalled prosperity of her millions of inhabitants. The power she wields was never exercised for oppression. Mighty she has been, but none has been more meek. To be the equal, not the superior, of her sister States, has ever been her object. Gratitude demands this humble tribute from one who owes her much; and justice requires that her character should not be misrepresented.

This debate, sir, is the announcement of a course of policy which the country ought fully to understand. What is the development that we have seen made? That opposition is at once to be formed to the coming administration. We are told that a war is to be waged, a war of extermination, against him who has been placed in power by the sacrifice of the principles of liberty. A war against the man is to be declared. Why not avow at once a struggle, a "war to the knife," with the democracy? Where is the evidence of the violation of any rights by the successful candidate? Where the proof that, in his triumphant march to the Capitol, he has driven his chariot with savage exultation over the mangled corse of your constitution? If opposition is at once to be arrayed, let the country know it. I cannot believe that he who sustains the coming administration must necessarily be a "traitor to the interests of the South," as we heard in this discussion. I will not admit that the South, which has but within a few short weeks past given evidence of its confidence, is at once to be marshalled in opposition, and that this position is to be assumed—that no matter with what purity, no matter with what patriotism, no matter with what success, the policy of the coming administration may be distinguished, still it must be paralyzed, still it must be crushed, must be annihilated. This I will not admit. The people will afford to their Chief Magistrate the same lenity and the same rule they would apply to the humblest servant in the public service. They will judge of him by his acts. It will be in vain to denounce the manner in which he was elected—none could be more honorable. In vain will they denounce the success of the man—they will discover that the struggle which has closed was not concluded by the triumph of any man. Let me assure gentlemen it is not the triumph of the candidate which causes the exultation which they observe on every side. It is the triumph of the true principles of your Government of the Union; it is the triumph of the people. We have been told that the people have been routed by the prætorian cohorts. No, sir; gentlemen mistake the scattered and retreating bands. The people are not seen flying in every direction. The people are not vanquished, but victorious, proudly victorious. They are victors over combinations unheard of in the annals of political warfare; victors over misrepresentation; victors over prejudice; victors over principles of every nature. "The flag of the country is still flying." Sir, I repeat the language of the gentleman from Virginia, [Mr. Wise:] the flag of the country is still flying. We differ, sir, as to the character of that ensign. It is not the *drapeau blanc;* not the flag with a single star emblazoned on its folds; not the flag which was seen flying on one portion of your coast, the signal for the advance of a hostile fleet, but the flag which floated in triumph over Jefferson; which was seen amidst the blaze of an enemy's cannon in the days of Madison; that flag around which have always rallied the unterrified friends of liberty; that banner is still flying; never, I trust, never to be struck down. And who, sir, are the prætorian bands who are rushing to the rescue? Look, sir, to the majority of this House; to a majority of the other branch of your Legislature; a majority of the people of this country. You may see them rushing from the granite hills of the East; you will find them pouring down in hordes from the North. They are to be found in the boundless and fertile prairies of the West, and may be seen gathering from the chivalrous South, even from the Old Dominion. On every side the yeomanry of the land have been eager to rally under this *labarum.* And yet these are the marauders, the trainbands, the obedient janizaries, the prætorian cohorts, who are

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